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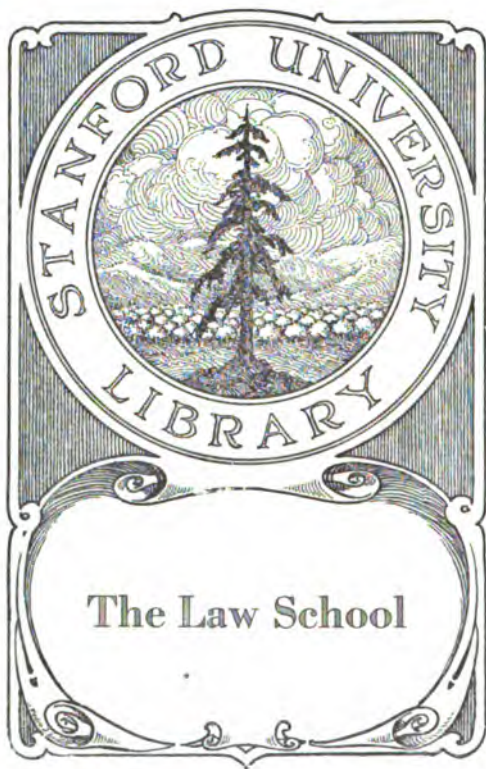
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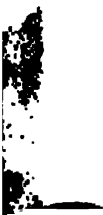
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New York Collections



L A W S

OF THE

STATE OF NEW YORK,

PASSED AT THE

NINETY-SEVENTH SESSION

OF THE

LEGISLATURE.

BEGUN JANUARY SIXTH AND ENDED APRIL THIRTIETH, 1874,
IN THE CITY OF ALBANY.

ALBANY: HUGH J. HASTINGS, PUBLISHER.



ALBANY:
HUGH J. HASTINGS, PUBLISHER.
1874.

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CERTIFICATE.

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF NEW YORK,
ALBANY, *July 14, 1874.* }

Pursuant to the directions of the act entitled "An act relative to the publication of the Laws," passed April 12th, 1843, I hereby certify that the following volume of the Laws of this State was printed under my direction.

DIEDRICH WILLERS, JR.,
Secretary of State.

In this volume, every act which received the assent of a majority of all the members of the Legislature, "three-fifths of all the members elected to either House" thereof, being present, pursuant to Section 14 of Article 7 of the Constitution of this State, is designated under its title by the words "Three-fifths being present." [See Laws of 1847, Vol. 1, Chap. 253.]

And every act which received "the assent of two-thirds of all the members elected to each branch of the Legislature," pursuant to Section 9 of Article 1 of the State Constitution, is designated under its title by the words "By a two-third vote." [See Laws of 1842, Chap. 306.]

CHARLES VAN BENTHUYSEN & SONS,
Paper Makers, Printers and Binders,
Albany, N. Y., Castleton, N. Y.



LAWS
OF THE
STATE OF NEW YORK,

PASSED AT THE

NINETY-SIXTH SESSION OF THE LEGISLATURE, APPROVED AND SIGNED BY
THE GOVERNOR, TOO LATE FOR PUBLICATION IN THE
PRINTED VOLUME OF SESSION LAWS
OF THE YEAR 1873.

Chap. 872.

AN ACT to provide for the payment of the officers, employees and workmen in the department of buildings of the city of New York.

Passed August 30, 1873 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Within ten days after the passage of this act the comptroller of the city of New York is hereby directed to borrow on the credit of the mayor, aldermen and commonalty of the city of New York, on revenue bonds of the said city, and in anticipation of the collection of the taxes to be levied and imposed on the estates, real and personal, subject to taxation in the city and county of New York for the year one thousand eight hundred and seventy-three, the sum of twenty-two thousand two hundred and twenty dollars, for the purpose of paying the officers, employees and workmen of the department of buildings of the city of New York who were in the employ of said department during the months of January, February, March and April of the year eighteen hundred and seventy-two, at the rates of compensation at which said officers, employees and workmen were employed by said department in said months, and each of them respectively. The revenue bonds herein mentioned shall bear interest at the rate of seven per cent.

City
comptrol-
ler, to bor-
row
money on
revenue
bonds.

Amount
and pur-
pose.

Bonds to
bear
interest.

Proceeds to be deposited with city chamberlain. per annum, and the proceeds thereof shall be deposited by said comptroller with the chamberlain of the city of New York, in the same manner as other money belonging to the city of New York on deposit with said chamberlain.

Comptroller, when to make payment. § 2. It shall be the duty of the said comptroller of the city of New York and he is hereby directed to pay within thirty days after the passage of this act, the said officers, employees and workmen of said department for each of said months of January, February, March and April, eighteen hundred and seventy-two, by drawing his warrant upon the chamberlain of the said city of New York, in the manner provided by law, in favor of each of said officers, employees and workmen for such sum as shall be in writing certified by the superintendent of buildings in office during said months of January, February, March and April, eighteen hundred and seventy-two, to be due to the said officers, employees and workmen, and each of them, for balance of unpaid salaries or compensation, at the rate at which said officers, employees and workmen were employed by him; and the certificate of the said superintendent, certified by his oath, shall be presumptive evidence of the amount so remaining due to each of said officers, employees and workmen for salary or compensation for the said months of January, February, March and April, eighteen hundred and seventy-two, and each of those said months respectively.

His warrant. § 3. The board of supervisors of the county of New York are hereby authorized, directed and required to cause to be included in the taxes to be levied and raised in the said city of New York for the year eighteen hundred and seventy-three, upon the estates subject to taxation in the city and county of New York, an amount sufficient to pay the revenue bonds herein directed to be issued by the said comptroller in anticipation of the collection of the said taxes with all interest due or to become due thereon.

Certificate of superintendent of buildings, to be evidence. Supervisors to include in taxes of 1873, amount sufficient to pay bonds. § 4. For the purposes of this act, all acts or parts of acts inconsistent with this act are hereby repealed.

Repeal. § 5. This act shall take effect immediately.

LIST OF OFFICERS, 1874.

"§ 4. There shall be prefixed to each volume of the Session Laws, hereafter published, the names and residence of the Governor, Lieutenant-Governor, Senators and Members of Assembly, and presiding officers of both Houses in office at the time of the passage of the Laws contained in such volumes."—*Laws of 1847, Chap. 458, Sec. 4.*

NAMES AND RESIDENCES

OF THE GOVERNOR, LIEUTENANT-GOVERNOR, SENATORS, MEMBERS OF ASSEMBLY, AND PRESIDING OFFICERS OF BOTH HOUSES OF THE LEGISLATURE OF THE STATE OF NEW YORK, AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

NAME.	Office.	County.	Residence, nearest P. O.
John A. Dix	Governor	Albany	Albany.
John C. Robinson.....	Lieut.-Governor.	Broome	Binghamton.
John A. King	Senator	Suffolk	Great Neck.
John W. Coe.....	do	Kings	Brooklyn.
John C. Jacobs.....	do	Kings	Brooklyn.
John Fox	do	New York	New York city.
James W. Booth.....	do	New York	New York city.
Jacob A. Gross.....	do	New York	New York city.
Thomas A. Ledwith.....	do	New York	New York city.
Hugh H. Moore.....	do	New York	New York city.
William H. Robertson	do	Westchester	Katonah.
*Edward M. Madden	do	Orange	Middletown.
Benjamin Ray	do	Columbia	Hudson.
Roswell A. Parmenter	do	Rensselaer	Troy.
Jesse C. Dayton	do	Albany	West Troy.
Henry C. Connelly	do	Ulster	Fly Mountain.
Webster Wagner.....	do	Montgomery....	Palatine Bridge.
Franklin W. Tobey	do	Essex	Port Henry.
Wells S. Dickinson.....	do	Franklin	Bangor.
Andrew C. Middleton	do	Jefferson	Black River.
Samuel S. Lowery.....	do	Oneida.....	Utica.
Archibald C. McGowan.....	do	Herkimer	Frankfort.
Charles Kellogg.....	do	Madison	Chittenango.
Daniel P. Wood.....	do	Onondaga	Syracuse.
James G. Thompson.....	do	Chenango	Norwich.
John H. Selkreg	do	Tompkins	Ithaca.
William B. Woodin	do	Cayuga	Auburn.
William Johnson.....	do	Seneca	Seneca Falls.
George B. Bradley	do	Steuben	Corning.
Jarvis Lord	do	Monroe	Rochester.
Dan H. Cole	do	Orleans	Albion.
Abijah J. Wellman.....	do	Allegany	Friendship.
John Ganson.....	do	Erie	Buffalo.
Albert G. Dow	do	Cattaraugus	Randolph.
Frederick Schifferdecker	Assemblyman...	Albany	Albany.
Leopold C. G. Kshinka	do	Albany	Albany.

* Admitted in place of Frank Abbott, February 5th, 1874.

LIST OF OFFICERS.

NAME.	Office.	County.	Residence, nearest P. O.
Terrence J. Quinn	Assemblyman ..	Albany	Albany.
Waters W. Braman	do ..	Albany	West Troy.
Orrin T. Stacy	do ..	Allegany	Rushford.
George Sherwood	do ..	Broome	Binghamton.
Commodore P. Vedder.....	do ..	Cattaraugus	Ellicottville.
John Manley	do ..	Cattaraugus	Little Valley.
Leonard F. Hardy	do ..	Cayuga	Weedsport.
Erastus H. Hussey.....	do ..	Cayuga	Aurora.
Francis B. Brewer	do ..	Chautauqua	Westfield.
John D. Hiller	do ..	Chautauqua	Smith's Mills.
Edmund Miller	do ..	Chemung	Elmira.
Harris H. Beecher.....	do ..	Chenango	Norwich.
Smith M. Weed	do ..	Clinton	Plattsburgh.
Henry Lawrence	do ..	Columbia	Claverack.
Alonzo H. Farrar	do ..	Columbia	Kinderhook.
George W. Phillips	do ..	Cortland	Homer.
Benjamin J. Bassett	do ..	Delaware	Walton.
Matthew Griffin	do ..	Delaware	Griffin's Corners.
James Mackin	do ..	Dutchess	Fishkill.
Harvey G. Eastman	do ..	Dutchess	Poughkeepsie.
Patrick Hanrahan	do ..	Erie	Buffalo.
Joseph W. Smith	do ..	Erie	Buffalo.
Franklin A. Alberger.....	do ..	Erie	Buffalo.
John Nice	do ..	Erie	Grand Island.
Robert B. Foote.....	do ..	Erie	Abbott's Corners.
Gardner Pope	do ..	Essex	Ausable Forks.
John P. Badger	do ..	Franklin	Burke.
John Sunderlin	do ..	Fulton & Ham...	Gloversville.
Elbert Townsend	do ..	Genesee	Pavilion Centre.
Horatio S. Lockwood	do ..	Greene	Hunter.
Warner Miller	do ..	Herkimer	Herkimer.
Elam Persons	do ..	Jefferson	Ellisburgh.
Hugh Smith	do ..	Jefferson	Perch Run.
James F. Donahue	do ..	Kings.....	Brooklyn.
John J. Allen	do ..	Kings	Brooklyn.
Michael Coffey.....	do ..	Kings	Brooklyn.
Theodore N. Melvin	do ..	Kings	Brooklyn.
Eugene D. Berri	do ..	Kings	Brooklyn.
Jacob Worth	do ..	Kings	Brooklyn.
Stephen J. Colahan.....	do ..	Kings	Brooklyn.
George C. Bennett.....	do ..	Kings	Brooklyn.
John McGroarty.....	do ..	Kings	Brooklyn.
John Herrick.....	do ..	Lewis	New Bremen.
Jonathan B. Morey	do ..	Livingston	Dansville.
Edwin C. Philpot	do ..	Madison	Pratt's Hollow.
Henry W. Carpenter	do ..	Madison	Oneida.
George A. Goss.....	do ..	Monroe	Pittsford.
George Taylor.....	do ..	Monroe	Rochester.
Leonard Burritt.....	do ..	Monroe	Spencerport.
Martin L. Stover.....	do ..	Montgomery....	Amsterdam.
James Healey	do ..	New York.....	New York city.
William P. Kirk	do ..	New York.....	New York city.
James Hayes	do ..	New York.....	New York city.
James Ryan.....	do ..	New York.....	New York city.
Austin Leake	do ..	New York.....	New York city.
Matthew Patten	do ..	New York.....	New York city.
Alfred Wagstaff, Jr.....	do ..	New York.....	New York city.
George Scherman	do ..	New York.....	New York city.
George B. Deane, Jr.....	do ..	New York.....	New York city.
Louis C. Wachner.....	do ..	New York.....	New York city.

LIST OF OFFICERS.

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NAME.	Office.	County.	Residence, nearest P. O.
Knor McAfee.....	Assemblyman ..	New York.....	New York city.
Francis Murray	do ..	New York.....	New York city.
Charles S. Spencer	do ..	New York	New York city.
James Daly	do ..	New York.....	New York city.
Joseph Blumenthal	do ..	New York.....	New York city.
Peter Woods	do ..	New York.....	New York city.
Andrew Blessing	do ..	New York.....	New York city.
Bernard Biglin	do ..	New York.....	New York city.
Thos. O'Callaghan	do ..	New York.....	New York city.
John D. Coughlin	do ..	New York.....	New York city.
*James H. Sullivan	do ..	New York.....	New York city.
Artemus W. Comstock.....	do ..	Niagara	Lockport.
Orville C. Bordwell.....	do ..	Niagara	Coomer.
George W. Chadwick.....	do ..	Oneida.....	Chadwick's Mills.
Arthur F. Brown.....	do ..	Oneida.....	Westmoreland.
John J. Parry	do ..	Oneida.....	Rome.
Griffith O. Jones.....	do ..	Oneida.....	Floyd.
Thomas G. Alvord	do ..	Onondaga	Syracuse.
George Barrow	do ..	Onondaga	Skaneateles.
Charles Simon	do ..	Onondaga	Syracuse.
Stephen H. Hammond	do ..	Ontario	Geneva.
Cyrillo S. Lincoln.....	do ..	Ontario	Naples.
Augustus Denniston.....	do ..	Orange	Blooming Grove.
Charles B. Wood	do ..	Orange	Middletown.
Elisha S. Whalen	do ..	Orleans	Medina.
George B. Sloan	do ..	Oswego	Oswego.
Willard Johnson.....	do ..	Oswego	Fulton.
J Lyman Bulkley	do ..	Oswego	Sandy Creek.
William H. Ely.....	do ..	Otsego	East Worcester.
Henry Thorp.....	do ..	Otsego	Butternuts.
Hamilton Fish, Jr.....	do ..	Putnam.....	Garrisons.
L. Bradford Prince	do ..	Queens	Flushing.
James M. Oakley	do ..	Queens	Jamaica.
William V. Cleary	do ..	Rensselaer	Troy.
Robert Dickson.....	do ..	Rensselaer	Lansingburgh.
Jacob M. Witbeck	do ..	Rensselaer	Nassau.
Stephen D. Stephens, Jr.....	do ..	Richmond	Richmond.
†William R. Knapp.....	do ..	Rockland	Haverstraw.
Seth G. Pope	do ..	St. Lawrence	Ogdensburg.
Dolphus S. Lynde.....	do ..	St. Lawrence	Hermion.
Jonah Sanford.....	do ..	St. Lawrence	Hopkinton.
George West	do ..	Saratoga	Ballston Spa.
George S. Batcheller.....	do ..	Saratoga	Saratoga Springs.
Daniel P. McQueen.....	do ..	Schenectady.....	Schenectady.
John B. Hoag	do ..	Schoharie	Sharon Springs.
Harmon L. Gregory	do ..	Schuyler	Altay.
William C. Hazelton.....	do ..	Seneca	Ovid.
Stephen D. Shattuck.....	do ..	Steuben	Cohocton.
Charles F. Houghton	do ..	Steuben	Corning.
Nathan D. Petty	do ..	Suffolk	Riverhead.
George M. Beebe	do ..	Sullivan.....	Monticello.
Jerome B. Landfield.....	do ..	Tioga	Newark Valley.
William L. Bostwick.....	do ..	Tompkins	Ithaca.
Robert A. Snyder	do ..	Ulster	Saugerties.
Hector Abeel	do ..	Ulster	Stone Ridge.
John D. Winfield	do ..	Ulster	West Hurley.
Austin W. Holden	do ..	Warren	Glens Falls.
Alexander B. Law.....	do ..	Washington	Shushan.

* Elected at special election, January 30, 1874.

† Died during session, April 9, 1874.

LIST OF OFFICERS.

NAME.	Office.	County.	Residence, nearest P. O.
Emerson E. Davis.....	Assemblyman ..	Washington	Whitehall.
Emory W. Gurnee	do ..	Wayne	Clyde.
Henry M. Clark.....	do ..	Wayne	East Palmyra.
William Cauldwell	do ..	Westchester	Morrisania.
Amherst Wight, Jr.....	do ..	Westchester	Port Chester.
James W. Husted.....	do ..	Westchester	Peekskill.
Samuel W. Tewksbury	do ..	Wyoming	Perry Centre.
George W. Spencer.....	do ..	Yates	Penn Yan.

PRESIDING OFFICERS AND CLERKS.

NAME.	Office.	County.	Residence, nearest P. O.
John C. Robinson.....	President of the Senate	Broome	Binghamton.
James W. Husted.....	Speaker of the Assembly	Westchester	Peekskill.
Henry A. Glidden.....	Clerk of the Senate	Orleans	Albion.
John O'Donnell.....	Clerk of the Assembly	Lewis	Lowville.

L A W S

OF THE

STATE OF NEW YORK,

PASSED AT THE

NINETY-SEVENTH REGULAR SESSION OF THE LEGISLATURE, BEGUN
THE SIXTH DAY OF JANUARY, AND ENDED THE
THIRTIETH DAY OF APRIL, 1874, AT
THE CITY OF ALBANY.

Chap. 1.

AN ACT to extend the time for the collection of city taxes
in the city of Auburn.

Passed January 16, 1874; three-fifths being present.

*The People of the State of New York, represented in Senate and
Assembly, do enact as follows:*

SECTION 1. The constables of the city of Auburn, to whom the treasurer and tax receiver of said city have issued warrants for the collection of unpaid city taxes, are hereby authorized to return said warrants, within five days after the passage of this act, to the treasurer and tax receiver aforesaid, with an account of the unpaid taxes which they have failed or been unable to collect.

Constables to return account of unpaid taxes.

§ 2. The treasurer and tax receiver of said city of Auburn is hereby authorized and directed to issue new warrants under his hand and the seal of the city, to any constable of said city, or as many of them as he may deem necessary, commanding him or them to levy the several sums of unpaid taxes returned by the constables as provided by section one of this act, in the manner provided by the charter of the said city of Auburn. The said warrants shall be returnable in thirty days from their issue, and shall be in substance and effect the same as the warrants now provided by law to be issued by the treasurer and tax receiver of said city for the collection of unpaid city taxes.

Tax receiver to issue new warrants.

Warrants when returnable.

Bond, how approved and filed. of March, eighteen hundred and seventy-four. Such bond shall be renewed with such sureties as in any town shall be approved by the supervisor thereof, or in case of his absence or inability to act, by the town clerk thereof. The penalty thereof in any case shall be double the amount of taxes in that case remaining uncollected. The bond shall be approved, in writing, and filed in the same manner as the original bond is required by law to be filed, and have all the effect of a collector's or receiver's bond. A copy of the bond, and the approval thereof, shall, within fifteen days after the passage of this act, be delivered to the county treasurer of the county in which said town is.

Secretary of state to distribute act. § 2. It shall be the duty of the Secretary of State, immediately after the passage of this act, to cause it to be printed upon slips of paper, and to deliver to each county treasurer a sufficient number thereof to supply one copy to each collector or receiver of taxes in said county, and it shall be the duty of said county treasurer to deliver one copy thereof, to each collector or receiver of taxes in his county. All the provisions of this act, shall apply to the receiver of taxes and assessments of the town of Saratoga Springs and the cities of Auburn and Elmira.

Act, how applicable. Not to apply to certain cities. § 3. This act shall not extend to any city in the State of New York, except as herein otherwise provided.

§ 4. This act shall take effect immediately.

Chap. 5.

AN ACT authorizing the board of supervisors of the county of Albany to issue bonds, to pay a portion of the bonds of said county that will mature during the year eighteen hundred and seventy-four.

Passed February 2, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Board of supervisors may issue bonds. SECTION 1. The board of supervisors of the county of Albany are hereby authorized, pursuant to a resolution of said board, passed December eighth, eight hundred and seventy-three, which resolution is hereby ratified, to issue bonds of said county to the amount of one hundred and fifty thousand dollars, to be sealed with the seal of said county, and signed by the chairman of said board, and by the treasurer of Albany county; fifty thousand dollars of said bonds to be payable March first, eighteen hundred and eighty-one; fifty thousand dollars payable March first, eighteen hundred and eighty-two, and fifty thousand dollars payable March first, eighteen hundred and eighty-three, with interest at seven per cent. per annum, payable semi-annually, on the first day of March and September; one hundred and thirty-five thousand dollars of said bonds to be of the denomination of one thousand dollars each, and fifteen thousand dollars to be of the denomination of five hundred dollars each, and the said board of supervisors are authorized and directed to sell the said bonds at public auction on Tuesday, the seventeenth day of February, eighteen hundred and seventy-four, the sale to be previously advertised for two weeks each day in the official county papers of said county of Albany, provided that such bonds shall not be sold for less than par. Said board shall

When payable.

Bonds to be sold at auction.

receive proposals for the engraving and printing of said bonds, and let the same to the lowest responsible bidder, and said board of supervisors shall pay over the avails of such bonds to the treasurer of the county of Albany, less the amount of expenses of such sale, and said treasurer shall apply said avails in payment of the bonds of said county of Albany that shall mature in eighteen hundred and seventy-four, so far as the same shall be sufficient for that purpose.

§ 2. The said board of supervisors shall cause to be levied by tax on the taxable property of said county, and collected and paid annually, such sums as may be necessary to pay the interest on said bonds, and to pay such portion of the principal thereof, from time to time, as the same shall become due, and the said treasurer shall apply the money so collected and paid to him toward the interest and principal of said bonds as they shall become due.

§ 3. This act shall take effect immediately.

Chap. 6.

AN ACT authorizing the commissioners of highways of the town of Russia, in the county of Herkimer, to build a bridge across the West Canada creek, at a place called the "Ledge."

Passed February 3, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever the commissioners of highways of the town of Deerfield, in the county of Oneida, shall lay out a highway to the middle of the West Canada creek, at a place called the "Ledge," above the residence of William H. Larned, in the town of Russia, in the county of Herkimer, and build an abutment upon the Deerfield side of said creek, the commissioners of the highways of said town of Russia are hereby authorized and directed to build an abutment on the Russia side, and build a wooden bridge across said creek at the place called the "Ledge" aforesaid, the expense of building the abutment on the Deerfield side to be a charge upon the town of Deerfield, and the expense of building the bridge and the abutment on the Russia side to be a charge upon the town of Russia, to be levied and collected in the same manner as other town expenses.

§ 2. Nothing contained in this act shall be construed to alter existing laws in relation to the duty or liability of the towns of Russia and Deerfield to repair, maintain or rebuild such bridge and abutments after the first bridge and abutments are completed.

§ 3. This act shall take effect immediately.

Chap. 7.

AN ACT for the relief of John George Milburn.

Passed February 4, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Admission as an attorney authorized.

Proof requisite.

SECTION 1. The supreme court of this State, at any general term of the fourth department thereof, is hereby authorized to waive alienage of John George Milburn, heretofore examined and recommended for admission to practice law thereat, and to admit said John George Milburn to practice in all the courts in this State, on his furnishing satisfactory proof of his residence within this State, and of having declared his intention to become a citizen of the United States.

§ 2. This act shall take effect immediately.

Chap. 8.

AN ACT to authorize the city of Utica to borrow and disburse money to pay for fire apparatus, and to levy and collect a tax to pay the same.

Passed February 4, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Common council may issue bonds.

Avails, how to be expended.

Bonds, when payable.

SECTION 1. The common council of the city of Utica shall have power, and they are hereby authorized, to borrow such sums as they may deem necessary, not exceeding six thousand dollars, upon the corporate bonds of the city, at a rate of interest not exceeding seven per cent. per annum, for the purpose of purchasing fire apparatus, and paying for a steam fire engine already purchased. But none of the bonds hereby authorized to be issued shall be sold for less than their par value.

§ 2. The said bonds, principal and interest, shall be made payable on the first day of December next, and for the purpose of redeeming and paying the same, said common council shall, in the city taxes for the year eighteen hundred and seventy-four, cause to be levied and collected a sum sufficient to pay the amount of said bonds and the interest thereon. The money thus raised shall be in addition to the amount authorized by the city charter or its amendments, and shall be applied to the payment of said bonds and to no other purpose.

§ 3. This act shall take effect immediately.

Chap. 9.

AN ACT to amend chapter seventy-four of the laws of eighteen hundred and seventy, in reference to the records of surrogates' courts.

Passed February 6, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter seventy-four of the laws of eighteen hundred and seventy, is hereby amended so as to read as follows:

§ 2. For greater certainty and to avoid all doubt, it is hereby declared to be lawful for any surrogate or officer acting as such, hereafter, in like manner and under like circumstances, in his own name, to sign, certify and complete all unfinished records of wills, and of proofs and examinations taken by and before his predecessor in office; also all records of letters testamentary, administration or guardianship, adding to his signature the date of so doing, and which shall have the like effect as if such predecessor had signed the same.

Surrogates may complete unfinished records of predecessors.

§ 2. This act shall take effect immediately.

Chap. 10.

AN ACT to amend the charter of the village of Lansingburgh.

Passed February 9, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision nine of section one of title two of the act entitled "An act to amend and consolidate the several acts relating to the village of Lansingburgh," passed April sixteenth, eighteen hundred and sixty-four, is hereby amended so as to read as follows:

9. Three fire commissioners.

§ 2. Section eight of title two of said act is hereby amended so as to read as follows:

Fire commissioners.

§ 8. The board of trustees of said village shall, at a special meeting thereof, to be called on or before the twenty-sixth day of February, eighteen hundred and seventy-four, of which meeting each trustee must have at least three days' notice, elect by ballot a board of fire commissioners for said village, to be composed of three commissioners, one to hold office until the first Monday of June, one thousand eight hundred and seventy-six, and until another shall be elected in his place; one to hold office until the first Monday of June, one thousand eight hundred and seventy-eight, and until another shall be elected in his place; and one to hold office until the first Monday of June, one thousand eight hundred and eighty, and until another shall be elected in his place. And on the first Monday of June, one thousand eight hundred and seventy-six, and on the first Monday of June in each alternate year thereafter, there shall be elected by said board of trustees, in the same manner, one fire commissioner, to hold office for six years and until another shall be elected in his place. It shall require the votes of six

Meeting of trustees to appoint fire commissioners.

Terms of office.

Removals for cause. trustees to elect as aforesaid, and the said board of trustees shall have power by the same vote to remove said commissioners, or either of them, for misconduct or neglect of duty in office. And the said trustees shall have power, at any regular meeting of the board by the same vote, to fill vacancies in the office of commissioner caused by dismissal, death, resignation, removal from the village or otherwise.

Repeal. § 3. Sections nine, ten and eleven of title two of said act are hereby repealed.

§ 4. Subdivision nineteen of section two of title four of said act is hereby amended so as to read as follows :

Trustees to regulate use of fire engines, apparatus, &c. 19. To regulate the management, use and protection of engines, fire alarm telegraph, and other fire apparatus belonging to the village ; to prescribe the powers and duties of the officers and members of the fire department, and to provide for the protection of private property in times of fire.

§ 5. Section one of title seven of said act is hereby amended so as to read as follows :

Fire department, what it consist of. § 1. The fire department of the said village shall consist of the fire commissioners, a chief engineer, an assistant engineer, and of such other officers and members as may be determined by the board of trustees of said village. The fire commissioners shall organize by appointing, from their own number, a chairman and a clerk, and when organized shall be known as the board of fire commissioners of Lansingburgh, and shall keep a book of minutes, containing a record of all their proceedings. They shall, subject to the approval of the board of trustees, appoint the chief and assistant engineers, and all other officers and members of the said fire department, the engineers, officers and members to hold office during the pleasure of said board of fire commissioners. They shall also, subject to the approval of the board of trustees, fix the compensation of the engineers, officers and members of the fire department. The commissioners, however, shall receive no compensation for their services, or hold any other village office.

§ 6. Section two of said title seven is hereby amended so as to read as follows :

Board of trustees to make by-laws. § 2. The board of trustees shall have power, and it shall be their duty, to make by-laws, rules and regulations for the government and discipline of the fire department. Every member present of the fire department, and every other person who shall, at the time of any fire in said village, be guilty of riotous or disorderly conduct, or who shall attempt to obstruct the operations of the fire department, or to excite insubordination in others, or willfully attempt to obstruct the execution of the orders of the proper officers, shall, for such offense, be liable to such penalty as shall be prescribed by the by-laws of said fire department, not exceeding one hundred dollars, and shall also be deemed guilty of a misdemeanor, punishable by fine or imprisonment, or both, as the court may direct, on conviction for such offense.

Repeal. § 7. Section three of said title seven is hereby repealed and the following substituted in the place thereof :

Board of commissioners to have charge of property. § 3. The said board of fire commissioners shall have charge of all property now in use or hereafter to be acquired by the village of Lansingburgh, for the purpose of extinguishing fires, including all the rooms used for storing the same, subject, however, to such rules and regulations as the said board of trustees shall prescribe for the use thereof, and also subject to the right of said trustees to use the same when not required for fire department purposes. The said board of fire commissioners shall also have power, by and with the consent of

Board of commissioners

said board of trustees, to sell the same, or any part thereof, except real estate, the proceeds of said sales to be forthwith paid over to the treasurer of the said village. They shall also, by and with the consent of the said trustees, and subject to the same restrictions in regard to the expenditure of money, and the incurring of indebtedness, as are, by the act hereby amended, imposed on the trustees of the village, have authority to purchase such apparatus, and to construct, alter, repair and locate such apparatus and buildings for the protection thereof, as they shall deem necessary.

have power to sell property. Power to purchase apparatus.

§ 8. Section four of said title seven is hereby amended so as to read as follows:

§ 4. The said board of fire commissioners shall have power to pull down, blow up, destroy and remove buildings, for the purpose of arresting the progress of fires, and of extinguishing the same, whenever they shall deem it necessary so to do; and the like power shall be possessed and exercised by the president of said village, acting by and with the advice of the chief engineer, or in his absence, of the assistant engineer.

Power to destroy buildings.

§ 9. Section five of said title seven is hereby amended so as to read as follows:

§ 5. The chief engineer of the fire department shall, under the direction of the board of fire commissioners, have the general superintendence and custody of the fire engines and other fire apparatus, public cisterns, and other conveniences for the prevention and extinguishment of fires. It shall be his duty to see that the same are kept in proper order, and to make report, in writing, to the board of fire commissioners of the state of the fire department, on or before the second Monday of February in each year, and at such other times as the commissioners may require. It shall be his further duty to be present at fires and take command of the fire companies present, and to exercise a general supervision and control of the operations and proceedings of the different companies present, and to give directions concerning the same. It shall be the duty of the assistant engineer to be present and aid the chief engineer at all fires; and in case of his absence, the powers and duties of the chief engineer shall be exercised and discharged by the assistant engineer.

Chief engineer to have custody of engines and fire apparatus.

His duties.

Duties assistant engineer.

§ 10. Section six of said title seven is hereby repealed, and the following substituted in the place thereof:

Repeal.

§ 6. All bills for expenditures connected with said fire department must be certified to be correct by said board of fire commissioners before the same can be audited by the said board of trustees. The said board of fire commissioners shall also, on or before the third Monday of February in each year, present to the said board of trustees a report showing a complete inventory of all the property under their charge, which report shall also exhibit a particular statement of all fire alarms and fires which have occurred in said village during the preceding year, together with the cause of all such fires, as far as the same shall have been ascertained. It shall also exhibit a particular statement of losses caused by such fires and of all insurance thereon. It shall also show the amount of hose which shall have been used, the source whence the supply of water was derived, the names of all members and officers of said fire department and of the companies therein, and the names of all persons in the employ of said board of fire commissioners and the compensation paid to them, and a statement of all expenses paid or incurred in the fire department

Bills to be certified.

Report to be made.

What to contain.

Estimate
of expen-
ses to be
made.

during the year, and such other information relating to the fire department as to the said commissioners shall seem important. And the said commissioners shall also, on or before the third Monday of November in each year, make and submit to said board of trustees an estimate of the amount of money required to pay the expenses of the department for the ensuing year.

§ 11. Section seven of said title seven is hereby amended so as to read as follows:

Existing
fire com-
panies
may be
disband-
ed.
Privileges
of mem-
bers.

§ 7. The members of the present fire department of said village may continue to be members thereof, subject to removal as now provided by law, until the companies composing said department shall be disbanded, and no longer, unless appointed by said fire commissioners, as in and by this act provided; and the said fire commissioners shall have power, at any time after the passage of this act, to disband said companies by giving notice to the officers thereof. The members of the present fire department in good standing at the time their respective companies shall be disbanded as above provided, and who shall then have served as firemen for three years, shall be entitled to the same privileges and exemptions as are provided by law in case of full service.

Exemption
from serving
on juries and
military
duty.

§ 12. Section eight of said title seven is hereby repealed, and the following substituted in place thereof:

§ 8. Every member of the fire department shall, so long as he remains such member, be exempt from serving on juries and from military duty, except in cases of insurrection or invasion, and shall also be entitled to such other privileges and exemptions as are provided by law.

§ 13. Section nine of said title seven is hereby amended so as to read as follows:

Dismissal
to be re-
ported,
and vacan-
cies
filled.

§ 9. The board of fire commissioners shall report to the board of trustees, forthwith, every dismissal and resignation from said department, and without delay make appointments, subject to the approval of said trustees, to fill the vacancy or vacancies occasioned thereby. The name of each fireman, with the date of his appointment and time of service, shall be registered by and with the clerk of said village, in a book to be kept by him for that purpose; and the certificate of the president and clerk, under the seal of the village, shall be sufficient evidence of the facts necessary to entitle any fireman to the privileges and exemptions in his favor provided by law.

Repeal.

§ 14. Section ten of said title seven is hereby repealed, and section eleven of said title, which is hereby amended so as to read as follows, shall be inserted in said title as section ten:

Property
managed
by com-
mission-
ers.

§ 10. The present fund and property of the fire department of said village, and all moneys which said department shall hereafter receive, shall belong to said fire department, and shall be managed and invested by the fire commissioners and the president of said village, and such fund, or any part thereof, may be appropriated and applied by the fire commissioners and the president of the village, or a majority of them, to any lawful purpose which they may deem for the benefit of the fire department.

Repeal.

§ 15. Subdivision eighteen of section two of title four of said act is hereby repealed and the following substituted in the place thereof:

Assem-
blages
on streets
may be
prohibit-
ed.

18. To prohibit the gathering or assembling of persons upon public streets of said village, or congregating upon the corners of the streets thereof and to authorize the police officers of the said village to disperse all such gathering, or assemblages of persons, and upon the refusal

or neglect of persons so congregated or assembled to disperse, when commanded so to do by a police officer under regulations to be prescribed by the board of trustees, such police officer may make summary arrest of any person or persons so refusing or neglecting, and take him or them forthwith before one of the police justices of the said village, to be tried by him as disorderly persons, and punished as such; and all such persons are hereby declared to be disorderly persons.

Summary
arrest
may be
made.

§ 16. Section three of title five of said act is hereby amended so as to read as follows:

§ 3. The board of trustees may cause to be raised, by general tax upon all the persons and property named in said assessment roll, a specified sum of money for special purposes, in addition to the ordinary current expenses of said village; but no such tax shall be raised for special purposes unless the voters of said village, qualified as prescribed in the next section, shall so decide by ballot, at a meeting of said voters to be held at such time and place in said village, as the board of trustees shall appoint; the poll of such meeting shall be opened at sunrise, and closed at two o'clock in the afternoon of the same day. The said trustees shall appoint three inspectors of said meeting, one of whom shall act as clerk to keep the poll-list; the said inspectors, or a majority of them, shall canvass the votes given at said meeting, and certify the result thereof to the board of trustees at its next meeting, which certificate shall be filed with the clerk of said village; and if it shall thereby appear that a majority of the voters are in favor of such tax, the said trustees shall proceed to collect and apply the same to the purposes for which such tax shall be voted.

Tax for
special
purposes.

Vote by
ballot.

Three in-
spectors
to be ap-
pointed,
their du-
ties.

§ 17. Section eight of title five of said act is hereby amended so as to read as follows:

§ 8. The board of trustees of said village shall make, or cause to be made, estimates of the expense of doing any of the acts, or conforming to any of the regulations mentioned in subdivision twelve of section two of title four of this act, and shall make, or cause to be made, a just and equitable assessment thereof among the owners and occupants of all the houses and lots intended to be benefited thereby, in proportion as nearly as may be to the advantages which each shall be deemed to acquire; and every such estimate and assessment, when duly ratified at a meeting of said trustees, by at least five of the trustees, shall be binding and conclusive upon all parties interested therein or affected thereby.

Trustees
to make
estimates
and as-
sess-
ments.

§ 18. Section eight of title eight of said act, as amended by chapter three hundred and ninety-seven of the laws of one thousand eight hundred and seventy-two, is hereby further amended so as to read as follows:

§ 8. Whenever, by agreement with said trustees, as aforesaid, or upon the determination of said jury or said commissioners, an award shall become final as aforesaid, for damage sustained by reason of making such alteration or improvement, the amount thereof, together with said fees of commissioners, and the costs and disbursements in the proceedings aforesaid, shall be assessed among the owners and occupants of all the houses and lots intended to be benefited thereby, in the same manner as expenses are now by law directed to be assessed and collected, for making the local improvements provided for in subdivision twelve of section two of title four of said act.

Assess-
ment for
award
and costs,
how
made.

§ 19. This act shall take effect immediately.

Chap. 11.

AN ACT to provide for the completion of the rebuilding of stone the combined wooden locks at Cohoes, Champlain canal.

Passed February 10, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Reappropriation for completing locks at Cohoes.

SECTION 1. The sum of twenty thousand dollars, appropriated by chapter seven hundred and sixty-seven of the laws of eighteen hundred and seventy, passed May ninth, eighteen hundred and seventy, for constructing an aqueduct at Wilbur's basin, on the Champlain canal, where the creek at that point flows into said canal, and also the sum of ten thousand dollars, appropriated by chapter eight hundred and fifty of the laws of eighteen hundred and seventy-two, passed May twenty-third, eighteen hundred and seventy-two, for constructing a lock and side-cut at Wilbur's basin, on the Champlain canal, and also the sum of ten thousand dollars, appropriated by chapter seven hundred and sixty-six of the laws of eighteen hundred and seventy-three, passed June fourteenth, eighteen hundred and seventy-three, for constructing a lock at Wilbur's basin, on the Champlain canal, be and the said several sums so appropriated as aforesaid are hereby and herein re-appropriated, or so much thereof as may be necessary, for the purpose of completing the rebuilding with stone the combined wooden locks at Cohoes, on the Champlain canal, to be paid by the Auditor of the Canal Department on the draft of the Canal Commissioner in charge of the eastern division of the canals.

Repeal.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 12.

AN ACT relating to animals.

Passed February 11, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Animals, any act of cruelty to, a misdemeanor.

SECTION 1. Every person who shall willfully set on foot, or instigate, or move to, or carry on, or promote, or engage in, or do any act toward the furtherance of, any act of cruelty to any animal shall be guilty of a misdemeanor.

Society for prevention of cruelty to animals, powers of officers of.

§ 2. All agents of the American Society for the Prevention of Cruelty to Animals shall have all the powers now conferred on them by law. Any person who shall falsely represent or personate an officer, agent or member of said society shall be guilty of a misdemeanor.

Interference a misdemeanor.

§ 3. Any officer, agent or member of said society may lawfully interfere to prevent the perpetration of any act of cruelty upon any animal in his presence. Any person who shall interfere with or obstruct any such officer, agent or member in the discharge of his duty, shall be guilty of a misdemeanor.

§ 4. Any agent or officer of said society may lawfully destroy, or cause to be destroyed, any animal found abandoned and not properly cared for, appearing in the judgment of two reputable citizens called by him to view the same in his presence, to be glandered, injured or diseased past recovery for any useful purpose.

Any agent of, may destroy abandoned or diseased animals.

§ 5. When any person arrested is at the time of such arrest in charge of any vehicle drawn by or containing any animal, any agent of said society may take charge of such animal, and of such vehicle and its contents, and deposit the same in a safe place of custody, or deliver the same into the possession of the police or sheriff of the county or place wherein such arrest was made, who shall thereupon assume the custody thereof.

Agent may take charge of animals when person in charge of arrested.

§ 6. All fines, penalties and forfeitures imposed and collected in any county in this State under the provisions of every act passed, or which may be passed relating to or in anywise affecting animals, except where otherwise provided, shall inure to said society in aid of the purpose for which it was incorporated. And no injunction shall be granted against said society, or any of its officers or agents, except upon motion, after due notice and hearing thereof.

Fines to inure to society.

No injunction against.

§ 7. Upon complaint under oath or affirmation to any magistrate authorized to issue warrants in criminal cases that the complainant has just and reasonable cause to suspect that any of the provisions of law relating to or in anywise affecting animals are being, or are about to be violated in any particular building or place, such magistrate shall immediately issue and deliver a warrant to any person authorized by law to make arrests for such offenses, authorizing him to enter and search such building or place, and to arrest any person there present found violating any of said laws, and to bring such person before the nearest magistrate of competent jurisdiction, to be dealt with according to law.

Warrant to issue.

§ 8. In this act, and in every law of this state passed, or which may be passed, relating to or affecting animals, the singular shall include the plural; the words "animal" or "dumb animal" shall be held to include every living creature; the words "torture," "torment," or "cruelty" shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted; and the words "owner" and "person" shall be held to include corporations as well as individuals. But nothing in this act shall be construed as prohibiting the shooting of birds for the purposes of human food.

The words torture, torment and cruelty defined.

§ 9. This act shall take effect immediately.

Chap. 13.

AN ACT to amend an act entitled "An act to incorporate the village of Spencerport, in the county of Monroe," passed April twenty-second, eighteen hundred and sixty-seven.

Passed February 12, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The west boundary described in the first section of an act entitled "An act to incorporate the village of Spencerport, in the

village boundary extended.

county of Monroe," passed April twenty-second, eighteen hundred and sixty-seven, is hereby extended thirteen rods west from the present western boundary line.

§ 2. This act shall take effect immediately.

Chap. 14.

AN ACT to release the interest of the People of the State of New York in certain real estate to Ann Smith, George Smith, and others, being the widow and heirs-at-law of Thomas Smith, deceased.

Passed February 12, 1874; by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

State title
to lands in
North
Hemp-
stead re-
leased.

SECTION 1. All the estate, right, title and interest of the People of the State of New York, in and to all of the lands, situate in the town of North Hempstead, in the county of Queens, of which Thomas Smith, late of Herricks, in said town, lately died seized and possessed, is hereby granted and released to Ann Smith, the widow, and George Smith, the only surviving child, and Emma Butler and Caroline Butler, the grand-children, and only heirs-at-law of said Thomas Smith, deceased, to have and to hold the same to the said widow and heirs-at-law in the same estate, and with the same interests, shares and proportions, as they would have taken, if the said Thomas Smith had been a naturalized citizen of the United States at the time of his decease.

Proviso.

§ 2. Nothing herein contained shall be so construed as to impair, discharge or affect any right, claim or interest of any other heir-at-law, grantee or devisee, or of any creditor by mortgage or otherwise of the said Thomas Smith, deceased, or of his said widow and heirs, in said real estate.

§ 3. This act shall take effect immediately.

Chap. 15.

AN ACT to amend section ten of chapter two hundred and fifty-four of the laws of eighteen hundred and forty-seven, entitled "An act concerning the laws, journals and documents of the Legislature."

Passed February 13, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The fourth subdivision of section ten of chapter two hundred and fifty-four of the laws of eighteen hundred and forty-seven, entitled "An act concerning the laws, journals and documents of the legislature," is hereby amended so as to read as follows:

Distribu-
tion of
session
laws ex-
tended to
surro.

4. To each of the following officers, namely, town clerks, for the use of their respective towns, district attorneys, to be delivered to their successors in office, supervisors' clerks, for the use of the board of supervisors, and surrogates, for the use of the surrogates' courts, and to the

mayors of the several cities, for the use of said cities, one copy of the laws without the journals. gates and mayors of cities.

§ 2. This act shall take effect immediately.

Chap. 16.

AN ACT to authorize the town auditors of the town of Waterford to issue bonds for the completion of, and furnishing the town hall at Waterford, and for the purchase of a bell and town clock.

Passed February 13, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be the duty of the town auditors of Waterford, within thirty days after the passage of this act, to issue bonds on the faith and credit of said town, to an amount not exceeding fifteen thousand dollars, with coupons attached, bearing semi-annual interest at the rate of not exceeding seven per cent. per annum, payable on the first days of August and February in each year, the principal of said bonds to be redeemable in three equal annual installments, commencing on the first day of February, eighteen hundred and eighty-two. Auditors to issue bonds. Rate of interest and when payable.

§ 2. The supervisor of said town shall negotiate the sale of said bonds at not less than par, and from the money arising from such sale, he shall pay over to the building commissioners, named or provided for in chapter one hundred and twenty-seven of the laws of eighteen hundred and seventy-three, the amount which may be required by them, not exceeding the said sum of fifteen thousand dollars, to be applied by said commissioners in finishing and furnishing the town hall, pursuant to the plans and specifications adopted by them, in furnishing the said hall and in purchasing a town clock and bell for said hall. Supervisor to sell bonds. Proceeds, to whom payable and how applied.

§ 3. Before the supervisor shall receive any money under this act he shall give a bond to the board of town auditors of said town, in such penalty and with such sureties as the board may approve, for the safe-keeping and faithful application of all moneys coming into his hands from the sale of said bonds, or otherwise, under the provisions of this act. He shall pay, from time to time, as the work progresses, such sums as a majority of said building commissioners shall certify to be due on account of work or materials, or for the purposes specified in the second section of this act. Supervisor to give bonds. Money to be paid from time to time.

§ 4. This act shall take effect immediately.

Chap. 17.

AN ACT to provide for the payment of the indebtedness of Amsterdam village, Montgomery county, in the State of New York; and to regulate the incurring of future liability by the board of trustees of said village.

Passed February 14, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Board of
commissioners.

SECTION 1 Isaac C. Shuler, Gardner Blood, Harmon Wendell, John Kellogg and John Carmichael shall constitute a board of commissioners, for the purpose of ascertaining, determining and liquidating the indebtedness of Amsterdam village, in the county of Montgomery, and State of New York, existing at the date of the passage of this act; and for disbursing, as hereinafter directed, the money to be received by them under the provisions of this act.

Their du-
ties.

§ 2. The said commissioners are hereby directed and it shall be their duty to ascertain and determine the indebtedness which shall be existing against the said Amsterdam village at the date of this act; and for that purpose said commissioners are hereby authorized to examine witnesses and administer oaths, and within thirty days after the passage of this act they shall file a statement of such indebtedness, certified by them, with the board of trustees of said Amsterdam village; and a copy thereof in the office of the town clerk of the town of Amsterdam, which shall be subject to the inspection of any of the tax payers of said village.

Certifi-
cate to be
made and
filed.

Bonds.
Board of
trustees to
issue.
How exe-
cuted and
amount.

§ 3. It shall be the duty of the board of trustees of said Amsterdam village to cause to be issued bonds of the village, signed by the president and clerk, and under the seal of said Amsterdam village, for the full amount of said indebtedness, payable, with interest annually, at a future period; not, however, over three thousand dollars and interest on the whole amount of such indebtedness in any one year, and deliver the same to the said commissioners, to be by them negotiated for the purpose of paying the amount of said indebtedness.

Bonds, by
whom ne-
gotiated,
proceeds
how ap-
plied.

§ 4. The said commissioners are hereby authorized to negotiate such bonds, not however, less than at par, and apply the proceeds to the payment of the said debts so ascertained and determined by them; and upon payment thereof to take receipts in duplicate, one of which shall be filed with the clerk of the board of trustees of said village, and the other with the town clerk of the town of Amsterdam.

Bonds to
be num-
bered and
certificate
indorsed
thereon.
Statement
of, to be
filed.

§ 5. The board of commissioners shall number the said bonds so issued and delivered, and indorse and sign a certificate on the back of each bond, showing to whom such bond was transferred and the date of such transfer; and shall file with the clerk of said board of trustees, and also with the town clerk of the town of Amsterdam, an accurate statement of such bonds, giving the number thereof and to whom transferred.

Not valid
unless
numbered
and certi-
fied.

§ 6. No bond issued by said board of trustees shall be valid or collectible, unless numbered and certified by the board of commissioners or a majority thereof, and embraced in the statement of bonds filed, as in the last preceding section provided.

Clerk may
be em-
ployed.

§ 7. The said board of commissioners are authorized to employ a clerk to aid them in the performance of the duty conferred upon them

by this act and to fix the compensation of such clerk, which shall be a charge upon said village.

§ 8. The board of trustees of Amsterdam village are authorized and directed to cause to be raised by tax upon the taxable property of said village, and collected in each year at the same time and in the same manner as taxes are directed to be raised by the eighth section of the fifth title of the act, entitled "An act to amend and consolidate the laws in relation to Amsterdam village, in Montgomery county," passed April seventeenth, eighteen hundred and fifty-four, and the acts amendatory thereto, a sum sufficient to pay the amount of the bonds and interest on bonds issued under the provisions of this act, then due or to become due in that year. Tax to be levied for payment of bonds.

§ 9. The board of trustees of Amsterdam village shall, upon issuing their warrant in each year for the collection of taxes, file with the treasurer of said village a statement of the amount raised for the purpose of paying such bonds and interest; and the said treasurer shall, out of the first moneys collected and paid over to him by the collector in each year, set apart a sum sufficient to pay, and pay the said bonds and interest due and to become due in that year. Trustees to file statement.
Treasurer to pay bonds.

§ 10. The collector of Amsterdam village is hereby prohibited from accepting or receiving any check, voucher or other evidence of indebtedness issued by the village or any of its officers, in payment of taxes or paying any bills of said village; and a willful violation of this section shall be a misdemeanor, punishable by fine not exceeding one hundred dollars, or imprisonment in the county jail not exceeding thirty days. Collectors not to receive checks.
Violation, a misdemeanor.

§ 11. The board of trustees of Amsterdam village are prohibited from incurring any liability in any one year beyond the amount which they are authorized and directed to raise and collect in such year; and for a willful violation of this section, each member of said board consenting to the incurring of such liability shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding one thousand dollars, or imprisonment in the county jail not exceeding three months, or both such fine and imprisonment. Trustees not to incur liability.

§ 12. This act shall take effect immediately.

Chap. 18.

AN ACT to amend chapter four hundred and thirty-five of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the village of Hamilton, in the town of Hamilton, in the county of Madison, and to repeal its present charter."

Passed February 18, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section second of chapter four hundred and thirty-five of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the village of Hamilton, in the town of Hamilton, in the county of Madison, and to repeal its present charter," is hereby amended to read as follows:

§ 2. At each annual election under this act, there shall be elected by ballot by the electors residing in said village and qualified to vote at village officers.

Trustees' and their terms of office.

All officers to be residents of village.

Engineers to be appointed.

Other officers.

town meetings, a president, two assessors, a treasurer, a clerk, a street commissioner, a collector, and two firewardens, who shall hold their offices for one year and until their successors are elected and duly qualified. At the next election under this act there shall in like manner be elected six trustees, two of whom shall hold their offices until the next annual election, and four until the second annual election; and there shall be, at each annual election under this act, four trustees elected, to hold their offices for two years, and such other trustees as may be necessary to fill any vacancy or vacancies for the unexpired portion of the term, if required. The electors shall designate on these ballots, at said election, the persons who are to serve as trustees for such longer or shorter term, and in like manner those, if any are required, who are to fill vacancies. The board of trustees shall, therefore, consist of eight trustees, the two whose terms of office shall not have expired at the first election under this act serving until the end of the term for which they were elected. No person shall be elected or appointed to any office in said village unless he be a resident and voter therein, and whenever any person elected or appointed shall cease to be a resident of said village, his office thereupon shall become vacant. Any trustee who shall be absent from three consecutive regular stated meetings of the board, may have his office declared vacant by the acting quorum of the board, and his place may be filled by appointment. It shall be the duty of the board of trustees, immediately upon their election and qualification as such board, to appoint a chief engineer and one or more assistant engineers of the fire department, and may, from time to time, appoint one pound-master, and such other officers and agents as are in and by this act authorized and provided for, and such officers thus appointed shall hold their offices during the pleasure of the board of trustees; but no person shall hold more than one office at the same time under this act, either by election or appointment, except that the president or any one of the trustees may be eligible to the office of street commissioner.

§ 2. The sixth section of said act is hereby amended so as to read as follows:

Annual election, when held.

§ 6. The annual elections, under this act, shall be held on the last Tuesday of February in each year. The poll of such election shall be opened at one o'clock p. m. and kept open until five o'clock of the same day, except such time as may be necessary to transact the other business of the meeting, which business shall be commenced at three o'clock, and be continued until all such business shall have been disposed of, and the inspectors shall forthwith, without adjourning, canvass the votes received by them, and shall make out and certify a statement thereof, and therein also certify who, by a plurality of votes, are elected to fill the offices voted for, and file the same with the clerk of the village; and the persons who are officers of said village when this act takes effect shall be and remain officers, until the persons elected under this act shall be qualified to act, and possess all the powers and perform all the duties given and required by this act.

Present officers to remain in office till successors qualify.

§ 3. The seventh section of said act is hereby amended to read as follows:

Qualifications of voters.

§ 7. No person shall be entitled to vote at any annual or special meeting of the inhabitants, on any question relating to the raising or appropriating moneys in said village, if he be not an inhabitant thereof, owning property other than dogs, therein, subject to taxation, and a resident of said village for the last thirty days previous to offering such vote. If such person offering to vote shall have been a

resident for the past year, he must also have paid his poll-tax and all other taxes assessed to him by said village.

§ 4. The twentieth subdivision of section nineteen, of said act, is hereby amended to read as follows:

20. To set aside from the moneys authorized to be raised for making and keeping the streets, crosswalks, sewers, ditches and sluices in repair, as provided by this act, such sum as may be necessary to pay the expense of scraping the snow from the side and crosswalks of said village, during the coming year; employ a person or persons to run a snow plow or snow plows for that purpose, and pay them from the fund thus set aside; to compel the owners or occupants of any lot bordering upon the streets of said village, under such penalty as the trustees may, by by-laws, prescribe; to shovel off the snow from the sidewalks in front of such premises, when necessary to make the snow plows effective in cleaning the walks; and to compel the removal of any dirt, or any other material or substance, from the sidewalks in front of such premises.

Powers of trustees.

Removal of snow and dirt from sidewalks and crosswalks.

§ 5. The twenty-fifth subdivision of section nineteen of said act is hereby amended to read as follows:

25. To prescribe penalties, and enforce the same against any owner or owners of buildings within the bounds of said corporation, who shall use or lease the same, without providing suitable privies for the accommodation of the occupants.

Conditions required of owners of buildings.

§ 6. The twenty-ninth subdivision of section nineteen of said act is hereby amended to read as follows:

29. To appoint special policemen upon such occasions as it shall be deemed necessary by them, under their hands, which policemen shall have for the time for which they are appointed all the powers possessed by policemen of cities in this state.

Trustees may appoint special policemen.

§ 7. The twenty-fourth section of said act is hereby amended to read as follows:

§ 24. The street commissioner shall, on or before the fifteenth day of April in each year, furnish to the trustees a list subscribed by such street commissioner, of the names of all the inhabitants liable to work on the highway; moneyed or stock or other corporations liable to furnish highway labor; and said street commissioner shall be invested with all the powers now possessed by overseers of highways so far as the same may be applicable under the provisions of this act.

Street commissioner, his powers and duties.

§ 8. Section twenty-five of said act is hereby amended to read as follows:

§ 25. The trustees shall, immediately after such list shall have been furnished by the street commissioner, together with the assessment roll, which shall be completed and delivered by the village assessors, on or before the fifteenth day of April in each year, determine the amount or sum of money which they shall deem necessary to defray the expenses attendant upon making the streets, crosswalks, walks in the parks, sewers, ditches and sluices in said village, and to repair and keep in repair the same for the then ensuing year. And they shall then proceed to apportion such sum among the persons and property liable to pay the same, as follows: Every male inhabitant of said village, being above the age of twenty-one years (except paupers, idiots and lunatics), shall be assessed at least the sum of one dollar as a poll tax; the residue of such sum shall be apportioned upon the estate, real and personal, of every inhabitant of said village, and every corporation therein, and every stockholder holding or owning stock in any banking

Trustees to determine amount of money to be raised for streets, &c.

Poll tax.

Residue of money for street purposes

how
appor-
tioned.
Certain
property
not taxed.

association therein, or upon the stock thereof, according to law, and land of which there is no occupant or owner residing in said village, excepting the real and personal estate of any religious society therein, and all property belonging to the school district therein, and the property belonging to the said village, and except such portion of the property which by any law of the state is exempt, owned by any minister of the gospel settled as pastor over any church or society. Which highway tax list shall be completed and placed in the hands of the village collector on or before the first Monday of May.

Amend-
ment of
section 26.

§ 9. The twenty-sixth section of said act is hereby amended by striking out the words, "retaining not less than two, or more than four per cent. for collecting, as the trustees may by resolution direct."

§ 10. Section forty-one of said act is hereby amended so as to read as follows:

Inhabit-
ants may
vote mon-
eys at
annual
meetings
and at
special
meetings,
if that in-
tention is
expressed
in notice.

§ 41. The inhabitants of said village qualified to vote for the raising of moneys, shall have power at any annual or special meeting to direct the raising by tax of such sum, not exceeding one-quarter of one per cent. of the assessed valuation of real and personal property within said corporation, annually, to carry out the interests* and purposes of this act exclusive of the amount required by the act authorizing the bonding of said village in aid of the Utica, Clinton and Binghamton Railroad Company, and no such tax shall be raised at a special meeting, unless the intention of so doing shall be expressed in the notice calling such meeting.

§ 11. Section forty-four of said act is hereby amended so as to read as follows:

Duty of
collector
on receiv-
ing tax
list.

§ 44. When said tax list shall be fully completed, the said trustees shall forthwith cause a copy thereof to be delivered to the clerk of said village, and another copy thereof, with the warrant annexed thereto for the collection of the taxes therein mentioned, to the collector of said village. Upon receiving any tax list and warrant, said village collector shall proceed in the collection of the tax in the same manner and shall have like authority and receive the same fees as collectors for towns; but no collector shall receive any taxes at any saloon, or place where liquor is sold or kept for sale.

§ 12. This act shall take effect immediately.

Chap. 19.

AN ACT to confirm the official acts of Sidney P. Morse, a justice of the peace in and for the town of Friendship, Allegany county, and to enable him to take and file his oath of office.

Passed February 19th, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Official
acts of
Sidney P.
Morse de-
clared
valid.

SECTION 1. All acts and proceedings by and before Sidney P. Morse, as a justice of the peace for the town of Friendship, in the county of Allegany, since the commencement of the term of office for which he was elected, to wit: since the first day of January, eighteen hundred and seventy-four, are hereby declared as valid, and of as full effect as

* So in original.

if he had taken and filed his oath of office within the time required by law; but this act shall not affect the right of any party to any suit or ^{Proviso.} legal proceeding which has been commenced previous to its passage, in consequence of the invalidity of any act or proceeding by or before the said justice.

§ 2. The said Sidney P. Morse may, within twenty days from and after the passage of this act, take and file his official oath as such justice of the peace, and he shall, thereupon, be entitled to enter upon and discharge the duties of said office during the residue of the said term for which he was elected. ^{May take official oath.}

§ 3. This act shall take effect immediately.

Chap. 20.

AN ACT authorizing union free school district number one of the town of Athens to issue bonds and to borrow money for the purpose of erecting school buildings and purchasing a site.

Passed February 20, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of education of union free school district number one of the town of Athens are hereby authorized and directed to borrow, upon the credit of the district, the sum of fifty-six hundred dollars, which amount has been voted by the inhabitants of said district to be raised, for the purpose of erecting a new school house and for purchasing a site. And the said board of education are authorized and directed to issue coupon bonds in the name of the district, to be signed by the president and clerk of the board, in sums not exceeding five hundred dollars each, bearing interest at the rate of seven per cent. per annum, payable annually. And so payable that fourteen hundred dollars of the principal, besides interest on the whole amount of the bonds unpaid, become due annually, and to sell and dispose of said bonds at not less than their par value. And the said board of education shall cause to be assessed, levied and collected the said money so borrowed, and interest from time to time as the same becomes due, in the manner provided in article seven, of title seven, of chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, for the collection of school district taxes. ^{Board of education authorized to borrow money and issue bonds.}

§ 2. This act shall take effect immediately.

Chap. 21.

AN ACT to amend the charter of Hobart (late Geneva) college.

Passed February 20, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The charter of Hobart (late Geneva) college is hereby amended by striking out so much of the charter as reads "that the said

how
apportioned.
Certain
property
not taxed.

association therein, or upon the stock thereof, according to law, and land of which there is no occupant or owner residing in said village, excepting the real and personal estate of any religious society therein, and all property belonging to the school district therein, and the property belonging to the said village, and except such portion of the property which by any law of the state is exempt, owned by any minister of the gospel settled as pastor over any church or society. Which highway tax list shall be completed and placed in the hands of the village collector on or before the first Monday of May.

Amend-
ment of
section 26.

§ 9. The twenty-sixth section of said act is hereby amended by striking out the words, "retaining not less than two, or more than four per cent. for collecting, as the trustees may by resolution direct."

§ 10. Section forty-one of said act is hereby amended so as to read as follows:

Inhabit-
ants may
vote mon-
eys at
annual
meetings
and at
special
meetings,
if that in-
tention is
expressed
in notice.

§ 41. The inhabitants of said village qualified to vote for the raising of moneys, shall have power at any annual or special meeting to direct the raising by tax of such sum, not exceeding one-quarter of one per cent. of the assessed valuation of real and personal property within said corporation, annually, to carry out the interests* and purposes of this act exclusive of the amount required by the act authorizing the bonding of said village in aid of the Utica, Clinton and Binghamton Railroad Company, and no such tax shall be raised at a special meeting, unless the intention of so doing shall be expressed in the notice calling such meeting.

§ 11. Section forty-four of said act is hereby amended so as to read as follows:

Duty of
collector
on receiv-
ing tax
list.

§ 44. When said tax list shall be fully completed, the said trustees shall forthwith cause a copy thereof to be delivered to the clerk of said village, and another copy thereof, with the warrant annexed thereto for the collection of the taxes therein mentioned, to the collector of said village. Upon receiving any tax list and warrant, said village collector shall proceed in the collection of the tax in the same manner and shall have like authority and receive the same fees as collectors for towns; but no collector shall receive any taxes at any saloon, or place where liquor is sold or kept for sale.

§ 12. This act shall take effect immediately.

Chap. 19.

AN ACT to confirm the official acts of Sidney P. Morse, a justice of the peace in and for the town of Friendship, Allegany county, and to enable him to take and file his oath of office.

Passed February 19th, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Official
acts of
Sidney P.
Morse de-
clared
valid.

SECTION 1. All acts and proceedings by and before Sidney P. Morse, as a justice of the peace for the town of Friendship, in the county of Allegany, since the commencement of the term of office for which he was elected, to wit: since the first day of January, eighteen hundred and seventy-four, are hereby declared as valid, and of as full effect as

if he had taken and filed his oath of office within the time required by law; but this act shall not affect the right of any party to any suit or legal proceeding which has been commenced previous to its passage, in consequence of the invalidity of any act or proceeding by or before the said justice. Proviso.

§ 2. The said Sidney P. Morse may, within twenty days from and after the passage of this act, take and file his official oath as such justice of the peace, and he shall, thereupon, be entitled to enter upon and discharge the duties of said office during the residue of the said term for which he was elected. May take official oath.

§ 3. This act shall take effect immediately.

Chap. 20.

AN ACT authorizing union free school district number one of the town of Athens to issue bonds and to borrow money for the purpose of erecting school buildings and purchasing a site.

Passed February 20, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of education of union free school district number one of the town of Athens are hereby authorized and directed to borrow, upon the credit of the district, the sum of fifty-six hundred dollars, which amount has been voted by the inhabitants of said district to be raised, for the purpose of erecting a new school house and for purchasing a site. And the said board of education are authorized and directed to issue coupon bonds in the name of the district, to be signed by the president and clerk of the board, in sums not exceeding five hundred dollars each, bearing interest at the rate of seven per cent. per annum, payable annually. And so payable that fourteen hundred dollars of the principal, besides interest on the whole amount of the bonds unpaid, become due annually, and to sell and dispose of said bonds at not less than their par value. And the said board of education shall cause to be assessed, levied and collected the said money so borrowed, and interest from time to time as the same becomes due, in the manner provided in article seven, of title seven, of chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, for the collection of school district taxes. Board of education authorized to borrow money and issue bonds.

§ 2. This act shall take effect immediately.

Chap. 21.

AN ACT to amend the charter of Hobart (late Geneva) college.

Passed February 20, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The charter of Hobart (late Geneva) college is hereby amended by striking out so much of the charter as reads "that the said

trustees shall also have power, at any meeting duly convened, to elect and appoint, upon the death, removal out of the State or other vacancy of the place or places of any trustee or trustees, other or others in his or their place or stead, as often as such vacancy shall happen, and also to make and declare vacant the seat of any trustee who shall absent himself from five successive meetings of the board," and by inserting in the place thereof the following provisions, namely:

Board of trustees how constituted.

Trustees to be divided into classes.

Term of office, when to expire.

Election of trustees.

Alumni may select trustee.

Number of voters at election by alumni.

Vacancy, how filled.

From and after the second stated meeting of the board of trustees, appointed to be held in eighteen hundred and seventy-four, the said board shall consist of the president of the college, *ex officio*, the bishop of that diocese of the Protestant Episcopal church which includes the college within its boundaries, *ex officio*, and twenty others. At the first meeting of the board of trustees held after the passage of this amendment, the trustees (other than the president of the college and the bishop as aforesaid) shall divide themselves by lot into five classes, of four in each class. The term of office of one of such classes shall expire on the day appointed for the second stated meeting of the board in the year eighteen hundred and seventy-four; of another of such classes on the corresponding day of the year eighteen hundred and seventy-five; of another of such classes on the corresponding day of the year eighteen hundred and seventy-six; of another of such classes on the corresponding day of the year eighteen hundred and seventy-seven; of another of such classes on the corresponding day of the year eighteen hundred and seventy-eight; provided, however, that every trustee shall hold office until his successor is elected and accepts. At said first meeting after the passage of this amendment the said board shall determine by lot the order in which the several classes shall go out of office, as aforesaid, and if there be more than twenty of such trustees the excess shall be added to the class going out of office in eighteen hundred and seventy-four. At the second stated annual meeting in each year, beginning with the year eighteen hundred and seventy-four, three trustees shall be elected by the board, who shall hold office until the second stated meeting in the fifth year from their election, and until their successors are elected and have accepted. All elections of trustees shall be by ballot. The alumni of the college may, in each year, elect one person from their own number, who shall be qualified to vote, at such election, to the office of trustee. All alumni of five years' standing, who have received in course the degree of bachelor of science, and all alumni who have received in course the degree of master of arts, may have a vote at such election; but in other respects the trustees may, by by-law, regulate, from time to time, the mode in which such election shall be made and authenticated to them. No election shall be made except at a meeting at which at least thirty qualified voters shall be present, and if such a number be not present, the election shall lapse to the trustees; but it shall be the privilege of the alumni, in such case, to nominate three of their number, from whom the trustees shall make their choice for the vacancy, provided that at least twenty qualified voters of the alumni are present to make such nomination. If less than twenty alumni be present, the trustees may fill the vacancy by electing any alumnus of the college. Such trustee shall hold office until the second stated meeting in the fifth year from his election, and until his successor is elected and accepts. Whenever any vacancy, by death, removal out of the State or otherwise, shall occur in the board, the trustees shall have power to fill the vacancy, and the person who may be elected to fill such vacancy shall hold office for the unexpired term of the trustee in whose place he was elected. The trustees shall also have

power to make and declare vacant the seat of any trustee who shall absent himself from five successive meetings of the board.

§ 2. This act shall take effect immediately.

Chap. 22.

AN ACT to repeal chapter five hundred and ninety-eight of the laws of eighteen hundred and seventy-two, entitled "An act for the better preservation of horse records."

Passed February 20, 1874; three-fifths being present.

The People of the State of New York, represented in Senate, and Assembly, do enact as follows:

SECTION 1. Chapter five hundred and ninety-eight of the laws of eighteen hundred and and seventy-two, entitled "An act for the better preservation of horse records," passed May eight, eighteen hundred and seventy-two, is hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 23.

AN ACT to amend an act entitled "An act to establish communication between Richmond county and New Jersey, incorporating the Tubular Transit Company of Staten Island," passed June ninth, eighteen hundred and seventy-three.

Passed February 20, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of chapter six hundred and eighty-one of the laws of eighteen hundred and seventy-three, is hereby amended so as follows:

§ 5. The said corporation shall, within three years after the passage of this act, have completed its organization, and have paid in not less than fifty per cent. of its capital, and have commenced work, and shall file a certificate thereof in the office of the Secretary of State, and it shall, within two years thereafter, have completed and in operation at least one of its tunnels, and in default thereof this act shall be null and void.

Time for completing organization extended.

§ 2. This act shall take effect immediately.

Chap. 24.

AN ACT to confirm the official acts of John Meredith Read, jr., a commissioner of deeds for the State of New York, at Paris, in the Republic of France.

Passed February 20, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Official
acts of
John
Meredith
Read, Jr.,
since
Nov. 5th,
1873, con-
firmed.

SECTION 1. All the official acts and proceedings of John Meredith Read, Jr., a commissioner of deeds, appointed by the Governor of the State of New York, at Paris, in the Republic of France (under and pursuant to chapter three hundred and eight, laws of eighteen hundred and fifty-eight, entitled "An act to authorize the appointment of commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in Great Britain and France," and the several acts amendatory thereof), since the fifth day of November, eighteen hundred and seventy-three, are hereby confirmed and declared valid, and of as full effect as if his oath of office and official seal in due form of law had been filed in the office of the Secretary of State, pursuant to said act, upon said date; provided, however, that no instrument acknowledged before said commissioner on oath or affidavit, taken and subscribed before said commissioner since November fifth, eighteen hundred and seventy-three, shall be recorded or read in evidence, unless there be subjoined or affixed thereto the certificate of the Secretary of State, required in and by the second section of said act, and the Secretary of State is hereby authorized to affix such certificate in the same manner and with like effect as if such oath of office and official seal in due form of law had been filed in his office on the fifth day of November last, instead of on the ninth day of January, eighteen hundred and seventy-four.

Proviso.

Secretary
of state
author-
ized to
certify.

§ 2. Nothing in this act contained shall be deemed or taken to affect the rights of any party to any suit or proceeding commenced prior to its passage.

§ 3. This act shall take effect immediately.

Chap. 25.

AN ACT to authorize the trustees of "The Clyde High School" district, in the town of Galen, Wayne county, New York, to borrow money and issue bonds or certificates of indebtedness therefor, for the purpose of purchasing site and building and repairing school-house in said district, and furnishing the same.

Passed February 20, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Trustees
author-
ized to
borrow
money.

SECTION 1. The trustees of "The Clyde High School" district, in the town of Galen, Wayne county, are hereby authorized to borrow, on the credit of said district, such sum of money not exceeding thirty

thousand dollars as may be legally voted by said district for the building, repairing and furnishing the said school-house, in said district, and the purchase of a site therefor. And for the money so borrowed the said trustees are hereby authorized to issue bonds or certificates of indebtedness of said district, under their hands and seals, in sums of not less than one hundred dollars each, bearing interest at seven per cent. per annum, payable semi-annually on the first day of January and first day of July in each year; said bonds not to be sold less than par; and such bonds or certificates of indebtedness shall be classified and issued so that one-tenth part of the whole amount thereof shall be redeemable on the first day of January, 1875, and the residue in nine equal annual installments thereafter. And the money that shall be raised by loan or sale of said bonds or certificates of indebtedness, shall be used for purchasing site or additional site for said district, and for building and repairing school-house in and for said district, and furnishing the same, and for no other purpose whatever; provided, however, that the powers and authority conferred by this act shall only be exercised upon the condition that said district shall vote at district meeting said sum for such purpose, and such vote shall be taken in the same manner as now provided by law, for raising money for building school-house.

Trustees authorized to issue bonds.

Bonds to be classified. When redeemable.

Money, how to be applied.

§ 2. It shall be lawful for the trustees of said, "The Clyde High School" district, and it shall be their duty, to make due provision by tax in each year for the payment of the principal and interest falling due on said bonds or certificates during such year. And said principal and interest shall be assessed, levied and raised in the same manner as any other public or general tax of said district, and in addition to the general and ordinary taxes of said district now authorized by law. And the money, when collected, shall be paid over to the trustees of "The Clyde High School," and by them applied to the payment of the bonds or certificates of indebtedness falling due in such year, and to no other purpose.

Duty of trustees in providing for payment of principal and interest.

§ 3. This act shall take effect immediately.

Chap. 26.

AN ACT authorizing the formation of corporations to secure camp grounds and other property connected therewith for the use of the Methodist Episcopal church.

Passed February 20, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The presiding elder of any district, or the presiding elders of any number of districts, and a majority of the district stewards of any district or districts, appointed according to the discipline of the Methodist Episcopal church, residing in any ecclesiastical district or districts in this State erected by an annual conference of said church as a presiding elder's district or districts, may make, sign and acknowledge, before some officer competent to take the acknowledgment of deeds, and file in the office of the clerk of any county in such district or districts, and a duplicate thereof in the office of the Secretary of State, a certificate in writing, in which shall be stated the corporate

Presiding elder and district stewards to make certificate.

Certificate, where filed.

What to contain.

Trustees, number of.

Trustees, how appointed, &c.

Powers of the corporation.

Religious meetings, disturbance of.

Real estate, may be conveyed.

name of said corporation ; the names, residences and official relation to the district of the person signing such certificate, the number of trustees, not less than three nor more than nine, who shall manage the property and affairs of said corporation for the first year, and their names ; and in which certificate it shall be further stated, in substance, that the object of such corporation is to secure the benefits of this act.

§ 2. The district stewards of any presiding elder's district, at their annual meeting, may appoint, from time to time, trustees for any such corporation within their district, to supply the places of those whose terms of office shall expire, and to fill any vacancies in the number of such trustees. And when two or more districts join in such corporation, then the district stewards of each district, at their annual meeting, may appoint their equal portion of said trustees ; but in case the number of trustees cannot be equally divided between the districts, then the district in which the camp ground is located may appoint such trustee.

§ 3. When such certificate shall be filed, as aforesaid, the persons who shall have made, signed and acknowledged the same, and their successors shall be and become a body politic and corporate, by the name stated in such certificate ; and such corporation shall have succession, and possess the general powers conferred on corporations by the eighteenth chapter of the first part of the Revised Statutes of this State ; and shall also have power take, by gift, grant or purchase, any estate, real or personal, the annual income of which shall not exceed twenty-five thousand dollars, for the use of the authorities of the Methodist Episcopal church, representing said district or districts, as a camp ground for camp meeting purposes ; and from time to time to sell and convey the same, and to reinvest the proceeds thereof for a like purpose, as the trustees of such corporation, with the approval of the annual conference having jurisdiction over the district or districts, may direct. And all the provisions of article seven, title eight, chapter twenty, part first of the Revised Statutes of this State, entitled "of the disturbance of religious meetings," shall apply to religious meetings held in pursuance of this act, in accordance with the usages of said Methodist Episcopal church. And the trustees of any such camp ground appointed according to the provisions of this act, and for the purpose named in this act, and their successors in office, are hereby clothed with the same powers as are conferred upon peace officers in and by said article seven.

§ 4. Any real estate heretofore conveyed for camp meeting purposes, may be conveyed, by the trustees holding the title thereof, to a corporation formed as aforesaid, whereupon the title thereto shall vest in such corporation for the purpose defined in this act.

§ 5. Districts may unite with such corporation by conforming to this act and appending their certificates to the original ones.

§ 6. This act shall take effect immediately.

Chap. 27.

AN ACT for the relief of Sarah Ann Whaites, formerly widow and devisee of John Playfair, deceased.

Passed February 20, 1874; by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the estate, right, title and interest of the People of the State of New York of, in and to all lands or premises within this State, of which John Playfair, late of the city of New York, died seized or possessed, or in which he had any interest at the time of his death, is hereby released to Sarah Ann Whaites, his widow and devisee, her heirs and assigns forever. Nothing herein contained shall prejudice or impair the right of any creditor, incumbrancer, purchaser or heir at law, if any, of the said John Playfair.

§ 2. This act shall take effect immediately.

Chap. 28.

AN ACT relative to the salary of the recorder of the city of Utica.

Passed February 20, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The entire salary of the recorder of the city of Utica shall hereafter be a charge upon the taxable property in said city, and shall be provided for by the board of town auditors thereof, and paid quarterly by the treasurer of said board. Recorder's salary, charge upon taxable property.

§ 2. The said officer shall, at the close of each month, render a detailed statement, duly verified, of the amount of all moneys received by him during the month, imposed for misdemeanors, and within five days thereafter shall pay the same to the treasurer of said board of town auditors for the use and benefit of the said town. Recorder to render verified statement.

§ 3. The said recorder shall charge the county of Oneida with the fees in detail for all services rendered by him, as such officer, in cases of felony, and shall present the same, duly verified, to the board of supervisors of said county, at the annual sessions thereof, who shall audit the same in favor of said town of Utica. To charge fees in cases of felony.

§ 4. This act shall take effect immediately.

Chap. 29.

AN ACT to authorize the city of Rochester to issue the last installment of its bonds in aid of the Rochester and State Line Railway Company in advance of the terms and conditions specified in the act entitled "An act to authorize the city of Rochester to issue its bonds in aid of the Rochester and State Line Railway Company, and to take bonds of that company therefor," passed April sixth, eighteen hundred and seventy-two.

Passed February 24, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Bonds,
authority
to issue.

SECTION 1. The city of Rochester is hereby authorized to issue the last installment of two hundred thousand dollars of its bonds referred to in subdivision two of section three of the act mentioned in the title of this act, and to exchange the same for the like amount of the first mortgage bonds of said company, as provided in said act, in advance of the terms and conditions specified in said section three of said act, whenever the common council of said city shall deem it expedient to make such exchange.

§ 2. So much of said act as is inconsistent with this act is hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 30.

AN ACT to authorize the city of Rochester to levy a tax for the purpose of erecting and completing a public school building known as the "Genesee" school building, and also for furnishing the same and the "Madison Park" school building.

Passed February 26, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Common
council
to levy
tax.

SECTION 1. The common council of the city of Rochester is hereby authorized and empowered to levy a tax of twenty-seven thousand dollars in their next general assessment for taxes, for the following purposes, namely: Twenty-three thousand dollars for the purpose of erecting and completing a public school building in the eighth ward of said city, on Francis street, and known as the "Genesee" school, and four thousand dollars for the purpose of furnishing the same, and also the public school building on King street, in said city, and known as the "Madison Park" school.

§ 2. This act shall take effect immediately.

Chap. 31.

AN ACT to incorporate the McCoy fund.

Passed February 26, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Right Reverend A. Cleveland Coxe, of Buffalo, New York, the Reverend Francis Granger, of Forestville, New York, and Charles McCoy, of Ellicottville, New York, are hereby created trustees, with power to receive from Bethuel McCoy, of Great Valley, New York, such sum of money as he may give, grant or bequeath to them for the purposes provided in the next section of this act, not exceeding the sum of ten thousand dollars. Trustees.

§ 2. Said trustees shall keep said money securely invested, at lawful interest, and annually pay the income thereof to the church-wardens and vestrymen of St. John's church, of Ellicottville, forever, for the support of their clergyman. Provided, always, that whenever said church-wardens and vestrymen shall omit to provide regular services of public worship at their church, at least twice on each Sunday during half of each year, or once on each Sunday during all of each year, the said trustees shall pay said income, for a like purpose, to the church-wardens and vestrymen of such other Protestant Episcopal church society in the county of Cattaraugus, during the years of such omission, as a majority of said trustees shall, from time to time, elect. Trustees to invest fund.
Proviso.

§ 3. The said trustees, and their successors, shall report to each annual diocesan convention of the Protestant Episcopal Church of the Diocese of Western New York, the condition of said fund; and the said convention shall fill any vacancy which shall from time to time occur, by death or otherwise, in said board of trustees. Trustees to make report.
Vacancy how filled.

§ 4. This act shall take effect immediately.

Chap. 32.

AN ACT to provide for a deficiency in moneys applicable to the repair and building of roads and bridges in the town of Geneva for the year eighteen hundred and seventy-three; to legalize the acts of the commissioners of highways and the collector of said town, and for the relief of said commissioners.

Passed February 26, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The board of town auditors of the town of Geneva are hereby authorized and directed to convene in special session, upon the written request of any commissioner of highways of the said town, and audit any unaudited claim duly verified by the commissioners of highways of the said town, or any two of said commissioners; but said claim shall not exceed the sum of fifteen hundred dollars; and shall also audit any claim made by the trustees of the village of Geneva to any portion of the money to be raised for roads and bridges in said Town auditors to convene and audit claims of commissioners of highways and trustees of village.

town, in pursuance of the provisions of the charter of the village of Geneva, not exceeding the sum of one thousand dollars.

Supervisor and clerk co-issue certificates.

§ 2. The supervisor and town clerk of the said town are hereby authorized and directed to issue certificates, to be subscribed by them, for the payment of said several claims, and amounting to not more than the sum of fifteen hundred dollars, to the highway commissioners of the town of Geneva; and certificates for not more than one thousand dollars to the treasurer of the village of Geneva, for street and bridge expenses in said village. Each certificate shall bear interest from the date of issue, and the amounts thereof shall be levied and collected in the same manner as other town expenses.

Certificate to bear interest.

Town collectors to pay over moneys.

§ 3. The present collector of the town of Geneva is hereby authorized and directed to pay over to the highway commissioners of said town all moneys, by his warrant directed, on or before the fifteenth day of March, eighteen hundred and seventy-four.

Acts of collector legalized.

§ 4. The acts of the present collector of the town of Geneva, in paying into the treasury of the village of Geneva the sum of five hundred dollars, are hereby legalized.

§ 5. This act shall take effect immediately.

Chap. 33.

AN ACT to amend section one of chapter three hundred and eighty-one of laws of eighteen hundred and seventy-three, entitled "An act for the preservation of fish in waters lying within or bordering upon the counties of Schuyler, Steuben, Chemung, Seneca, Yates and Ontario," passed May first, eighteen hundred and seventy-three.

Passed February 27, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section first of chapter three hundred and eighty-one of the session laws of one thousand eight hundred and seventy-three is hereby amended so as to read as follows:

White fish, suckers, cat-fish and eels may be taken with spear.

§ 1. No person shall take, procure or catch, or assist in taking, procuring or catching, with or by any means or device whatever, except hook and line, any fish of any kind except minnows, for bait, which may be taken with a small net, and except white fish, suckers, cat-fish and eels, which may be taken with a spear, in Honeoye, Seneca, Cayuga or Canandaigua lakes, or in any inlet, outlet or canal running into or out of said lakes, or in any rivers, lakes or streams wholly or partly in the counties of Schuyler, Steuben, Seneca, Chemung, Yates, Tompkins or Ontario, or either of them, within ten years from and after the passage of this act.

Repeal.

§ 2. All parts of the section above amended inconsistent with the said section as amended are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 34.

AN ACT to repeal an act entitled "An act to provide for the location and erection of a new city prison and place for holding certain courts in the city of New York," being chapter five hundred and thirty-five of the laws of eighteen hundred and seventy-three.

Passed February 27, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Chapter five hundred and thirty-five of the laws of eighteen hundred and seventy-three, entitled "An act to provide for the location and erection of a new city prison and place for holding certain courts in the city of New York," is hereby repealed.

§ 2. All proceedings commenced and pending under said act are hereby annulled.

§ 3. This act shall take effect immediately.

Chap. 35.

AN ACT to amend chapter three hundred and sixty-eight of the laws of eighteen hundred and sixty-five, entitled "An act for the incorporation of societies or clubs for certain social and recreative purposes."

Passed February 27, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The second section of chapter three hundred and sixty-eight of the laws of eighteen hundred and sixty-five, entitled "An act for the incorporation of societies or clubs for certain social and recreative purposes," is hereby amended so as to read as follows :

§ 2. Upon filing a certificate, as aforesaid, the persons who shall have signed and acknowledged such certificate, and their associates and successors, shall thereupon, by virtue of this act, be a body politic and corporate, by the name stated in such certificate, and by that name they and their successors shall have succession, and shall be persons in law capable of suing and being sued ; and they and their successors may have and use a common seal, and the same may be altered and changed at pleasure ; and they and their successors, by their corporate name, shall in law be capable of taking, receiving, purchasing and holding real estate, for the purposes of their incorporation, and for no other purpose, to an amount not exceeding the sum of five hundred thousand dollars in value, and personal estate for like purposes to an amount not exceeding the sum of one hundred and fifty thousand dollars in value ; but the clear annual income of such real and personal estate shall not exceed the sum of fifty thousand dollars ; to make by-laws for the management of its affairs, not inconsistent with the constitution and laws of this State or of the United States ; to elect and appoint

Corporation, when perfected.

Seal may be changed. May hold real estate.

Annual income limited. By-laws.

Agents. the officers and agents of such society, for the management of its business, and to allow them a suitable compensation.

§ 3. This act shall take effect immediately.

Chap. 36.

AN ACT relative to the village of Ballston Spa, to provide for completing the water works and paying all indebtedness incurred on account thereof.

Passed February 27, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Trustees
to issue
bonds,
how ex-
ecuted.

SECTION 1. The trustees of the village of Ballston Spa are hereby authorized and directed, in addition to the bonds heretofore authorized by law to be issued by them, to issue bonds of said village, signed by the president and countersigned by the clerk of said village, to an amount not exceeding eighteen thousand dollars, in the manner, and as authorized and provided in an act entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relative to the village of Ballston Spa, passed April twelve, eighteen hundred and fifty-five,' as amended by an act to amend an act entitled 'An act to amend and consolidate the several acts relative to the village of Ballston Spa, passed May ninth, eighteen hundred and sixty-eight, and for the purpose of securing an additional supply of water for the use of said village,' and passed May ninth, eighteen hundred and seventy-two, and the amendatory act thereto," such bonds shall not be sold at less than their par value, and the avails of said bonds shall be used for the purpose of completing the water works of said village and paying all indebtedness of said village, incurred or existing on account of said water works, or the procuring thereof; the said bonds, or so many of them as shall be required for the purpose heretofore specified, shall be executed, delivered and disposed of for the purpose herein stated, in the manner and as provided in the acts last above referred to.

Bonds not
to be sold
at less
than par.
Avails,
how used.

§ 2. This act shall take effect immediately.

Chap. 37.

AN ACT supplementary to an act entitled "An act to provide for the incorporation of religious societies," passed April fifth, eighteen hundred and thirteen, and the several acts amendatory thereof.

Passed February 27, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Religious
corpora-
tions may
consoli-
date.

SECTION 1. Any two religious corporations incorporated under the provisions of the third section of the act entitled "An act to provide for the incorporation of religious societies," passed April fifth, eighteen hundred and thirteen, and the several acts amendatory thereof or supplemental thereto, are hereby authorized to unite and consolidate themselves into a single corporation in the manner following.

§ 2. The said two corporations may enter into an agreement under their respective corporate seals for the union and consolidation of the said corporations, setting forth the terms and conditions thereof, the name of the proposed new corporation, the names of the persons who shall be its church wardens and vestrymen, minister, elders, and deacons or trustees, or other officers, as the case may be, until the first annual election of the proposed new corporation, and fixing the day of its annual election.

Agreement.
What to contain.

§ 3. Each of the said corporations may make its separate petition to the supreme court for an order for such union and consolidation, setting forth in such petition the reasons for such union and consolidation, the agreement made pursuant to the second section of this act, all its property, real and personal, all its debts and liabilities, and the amount and sources of its annual income.

Petition to supreme court, what to contain.

§ 4. A meeting of each of said two corporations to consider and act upon the proposed union and consolidation, and the agreement and petition therefor, shall be called by a notice given in the same manner and for the same length of time, as is provided for notices of election of trustees in the said third section of the act hereby amended; and in case the proposed union and consolidation, and the agreement and petition therefor shall receive the approval of three-fourths of the persons entitled to vote at an election of trustees of each of the two corporations, assembled at such meeting, or at an adjourned meeting, or a subsequent meeting called in like manner, then, and not otherwise, the proposed union and consolidation may be proceeded with and the petition presented to the court.

Meeting, notice of.

Proposed union, how approved.

§ 5. Upon such petitions from each of such corporations so proposing to be united and consolidated, and upon the said agreement, and the proceedings of the meetings prescribed in the fourth section, satisfactorily proved or certified, the supreme court may, in case it shall deem it proper, make an order for the union and consolidation of such corporations, determining all the terms, conditions and provisions thereof. All parties interested therein may be heard on such petition.

Supreme court may make an order for consolidation.

§ 6. When such order is made and entered, according to the practice of the court, the said two corporations shall be united and consolidated into one corporation by the name designated in the order, and it shall have all the rights and powers, and be subject to all the obligations of religious corporations under the act to which this is supplementary, and the acts amendatory thereof and supplementary thereto.

Consolidation, when perfected.
Rights and powers of new corporation.

§ 7. And thereupon all the estate, rights and property of whatsoever nature belonging to either of said two corporations shall, without further act or deed, be vested in and transferred to the new corporation as effectually as they were vested in or belonged to the former corporations, and the said new corporation shall be liable for all the debts and liabilities of the former corporations, in the same manner and as effectually as if said debts or liabilities had been contracted or incurred by it.

Property transferred to new corporation.

§ 8. This act shall take effect immediately.

Chap. 38.

AN ACT for the disposition of excise moneys and fines for intoxication within the village of Monticello.

Passed February 27, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Moneys
from li-
censes
and fines
to be paid
to treas-
urer.

SECTION 1. All moneys derived from the granting of licenses for the sale of intoxicating liquors and from the collection of fines for intoxication, within the village of Monticello, shall be paid over to the treasurer of, and for the use of said village; and the said fines and licenses may be sued for and collected in the name of the president and trustees of the village of Monticello.

§ 2. This act shall take effect immediately.

Chap. 39.

AN ACT to reorganize the village of Medina.

Passed February 28, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

TITLE I:

Village
bound-
aries.

SECTION 1. All that district of country in the towns of Ridgeway and Shelby, in the county of Orleans, comprised within the following boundaries, to wit: Beginning in the center of a public highway at the northeast corner of lot number thirty-three, township fifteen, range three, of the Holland Land Company's land, running thence south along the east line of said lot number thirty-three and in the center of said highway, eighty-one chains thirty-six links, to the southeast corner of said lot; thence east, one chain eighty-three links, to the northeast corner of lot number forty, township fourteen, range three; thence south along the east bounds of said lot number forty and the center of the highway, fifty-nine chains sixty-eight links, to the southeast corner of said lot; thence west along the south bounds of said lot number forty and the center of the public highway, eighty-four chains and four links, to the southeast corner of lot number nine, township fourteen, range four; thence west along the south bounds of said lot number nine and the center of the public highway, thirty chains, to the southeast corner of lot number eighteen, township fourteen, range four; thence west along the south bounds of said lot number eighteen, thirty chains and sixty-four links, to the southwest corner of lands of Christopher Timmerman; thence north on the west line of said Christopher Timmerman's land, sixteen chains and thirty-two links, and thence still north, on the same course, to the north bounds of lands of William H. Watson; thence east along the north line of said William H. Watson's land to the center of a public highway called the Old Salt Works road; thence north along the center of said public highway to a point in a line with the north bounds of lot number forty-one, township fifteen, range three; thence east to the

northwest corner of said lot number forty-one; thence east along the north bounds of said lot number forty-one, thirty-five chains, to the northwest corner of lot number thirty-three, aforesaid; and thence east, along the north bounds of said lot number thirty-three, thirty-nine chains and fifty links, to the place of beginning, shall be a village known as the village of Medina, and the citizens of this State from time to time inhabitants within the aforesaid limits, shall be a body corporate and politic, by the name of the village of Medina, and as such shall have the rights, powers and privileges conferred by the statutes of this State upon municipal corporations, as well as those conferred by this act, which shall be known as the charter of said village.

Corporate name.

TITLE II.

OF OFFICERS, THEIR ELECTION, AND APPOINTMENT.

SECTION 1. The officers of said village shall be a president, six trustees, one treasurer, three assessors, one police justice, a collector of corporation taxes and three inspectors of elections, all to be elected; a health officer, a clerk, a superintendent of streets and an attorney, and such other officers as are hereinafter authorized, who shall be appointed by the president and trustees, and such special policemen as may be appointed by the president, as hereinafter provided.

Election village officers.

Officers appointed by the president and trustees.

§ 2. The first election for officers for the said village under this act shall occur on the first Tuesday in March, in the year eighteen hundred and seventy-four, and every year thereafter it shall be annually held on the first Tuesday in March, and shall be held at such places as the board of trustees shall direct, notice of which shall be given by the clerk of said village, by publishing the same for two consecutive weeks immediately preceding election in all the newspapers in the said village, stating the hours of opening and closing the polls, the place of holding the polls, and the officers to be elected.

Election for village officers, when to be held.

Notice to be given by clerk.

Notice, what to contain.

§ 3. Every inhabitant residing in the said village, who shall, at the time and place of offering his vote, be qualified to vote for member of Assembly shall be entitled to vote for all officers to be elected by virtue of this act.

Qualifications of voters.

§ 4. The village clerk shall give notice, in writing, of every election to be held under this act, to the inspectors of election in said village at least one week before the day of election. They shall provide one ballot-box to be marked, Corporation. All the ballots used shall be indorsed, Corporation, and shall contain the votes of the electors depositing them, for all the offices to be filled at the election.

Village clerk to give notice of elections to inspectors.

§ 5. The polls of the election in the said village elections shall be opened at nine o'clock in the forenoon of the day of election, and shall be kept open without intermission or adjournment until four o'clock in the afternoon, when they shall be finally closed, and the inspectors shall forthwith, without adjourning, canvass the votes received by them and certify and declare the result, stating the number of votes given for each person for each office, and shall file such statement or certificate on the same or the next day with the village clerk. Such statement of the first election to be held under this act shall be filed with the clerk of the trustees of the village of Medina.

Polls to be open from 9 o'clock A. M. to 4 o'clock P. M.

Inspectors must canvass votes forthwith.

§ 6. The trustees of the village of Medina shall meet on the first Monday following the said first election under this act, and the statement of the inspectors shall be produced by the clerk. The said trustees shall then forthwith determine, declare and certify, in the manner now provided by law, who is elected to the office of president, and

When village trustees to meet.

Trustees to certify who is

electd
president,
&c.

Annual
meeting
of board
of trus-
tees.

Board of
trustees to
certify
who were
electd
to village
offices.

New
board or-
ganized.
When
officers to
enter
upon their
offices.

Official
oath.

If official
oath not
taken and
filed with-
in ten
days,
office may
be de-
clared
vacant.

Tie.

Term of
office.

Trustees
to be
classified.

Term of
office to
be desig-
nated on
ballot.

Each jus-
tice of the
peace re-
siding in
the village
to qualify
as police
justice.

who are elected to the various other offices hereinbefore named ; such certificate shall be filed with said village clerk. And the president and trustees so declared elected shall thereupon take the oath of office prescribed by the Constitution, and the board of trustees shall be organized. On the Monday next following the elections for village officers in each year thereafter the board of trustees of the preceding years shall convene, at nine o'clock in the forenoon, at their usual place of meeting, and the statement of votes filed with the village clerk by the inspectors of election shall be produced by the clerk. The board of trustees shall then forthwith determine, declare and certify who were duly elected at said election to the various offices hereinbefore named, which certificate shall be filed with the village clerk ; the president and such of the trustees as shall have been elected at said last election shall thereupon take the oath of office prescribed by the constitution, and the board of trustees of the preceding year shall thereupon be dissolved, and the board of trustees, composed of the president then elected and those whose term of office shall not have expired, shall then be organized. All village officers elected under this act shall enter upon their respective offices on the Monday next following their election ; after said first election, and after each subsequent election, the village clerk, immediately upon the filing with him of the certificate specified in this section, shall notify, in writing, every person so certified to have been elected of his election. Every person elected to any office under this act, before entering on the same, shall take the oath of office prescribed by the Constitution of this State before the president or some officer authorized to take affidavits to be read in courts of justice, and file the same with the village clerk, except the police justice, whose oath shall be filed with the clerk of Orleans county. If any person elected or appointed to any office under the provisions of this act shall not, within ten days after notification of his election or appointment, take the required oath of office, and file the same with the village clerk, and give the securities required of him by the board of trustees, the said board may treat such neglect or omission as a refusal to serve and declare vacant the office to which such person was elected or appointed, in which case the vacancy shall be filled forthwith as herein provided. At said first election of trustees, and at each subsequent election, the board of trustees shall fill any office by appointment, in case of a tie vote, stating the fact of appointment in said certificate. All full terms of office, filled either by election or appointment, shall commence on Monday following the annual election, except as otherwise provided in this act.

§ 7. The president and trustees shall hold their offices as follows : The president shall hold his office for one year. The trustees shall be divided into three classes, two trustees in each class, and shall hold their offices for the term of one, two and three years, respectively ; but at the first election under this act six trustees shall be elected, two for one year, two for two years and two for three years, and the term for which the person voted for is intended shall be designated on the ballot. At each annual election thereafter two trustees shall be elected, and shall hold their offices for three years.

§ 8. Each justice of the peace of the town of Ridgeway, residing in the village of Medina when this act takes effect, and each justice of the peace who shall hereafter be elected in the town of Ridgeway and who shall reside in the village of Medina at the time of such election, shall qualify according to law as a police justice of said village, and shall continue to hold his office for the full term for which he was elected,

and until his successor shall qualify and enter upon his office, in the same manner in all respects, and shall possess the same powers and be subject to the same provisions as if he was elected under this act. A police justice shall be elected for a full term of four years at the first election under this act, who shall possess the same powers and authority in all criminal proceedings, and in taking acknowledgments and administering oaths, as justices of the peace in the several towns of this state; and every fourth year thereafter a police justice shall be elected who shall hold his office for the term of four years, commencing on the first day of January next succeeding his election.

§ 9. At said first election there shall be elected three assessors, one for one year, one for two years and one for three years, whose respective terms of office shall be designated on the ballot, and thereafter an assessor shall be elected at each annual village election, who shall hold his office for the term of three years. The compensation for each assessor shall be two dollars for each day actually employed in performing the duties of his office.

§ 10. All officers elected or appointed under this act, except police justice, assessors and trustees, and except as further excepted in this act, shall hold their office for one year; and all such officers shall hold their offices until their successors shall qualify. And if a vacancy shall occur in any elective office, the board of trustees shall fill the same by appointment until the next annual election, when the residue of the term of office, if there be any unexpired, of any officer whose term shall have become vacant, shall be filled by some person to be elected to such office for the residue of such term according to the provisions of this act.

§ 11. No person shall be elected or appointed to any village office unless he be a resident elector of said village, and whenever any officer of said village shall cease to be a resident of said village for which he was elected or appointed, his office shall thereby become vacant. The president, trustees and assessors shall be freeholders of said village.

§ 12. Resignation of any office held under the provisions of this act shall be made to the board of trustees in writing, and filed with the clerk of the village, and no resignation shall take effect until the board of trustees shall have accepted the same.

§ 13. The treasurer and collector, before entering upon the duties of their offices, shall each give a bond to the village of Medina in such penal sum as may be fixed by the board of trustees, with two or more sureties to be approved by the majority of the board of trustees, conditioned for the faithful discharge of the duties of their offices as prescribed by this act, which bond, when so approved and indorsed by a majority of the board of trustees shall be filed in the office of the clerk of the county of Orleans, who shall place the same on record as required in the case of collectors of towns. Said bonds shall be a lien on all the real estate of said treasurer or collector and his sureties in the county of Orleans, and shall continue to be such lien until the conditions, together with all the costs and charges which may accrue from the prosecution thereof, shall be fully satisfied.

§ 14. In case of any breach of the conditions of said bonds, suits may be maintained thereon by the village of Medina, upon any bond given for the collection of village taxes or assessments. Such collector and his sureties shall also be liable to the same proceedings to enforce the payment of money collected by virtue of any warrant issued by the trustees of the village, as are provided by law in respect to town collectors or their sureties.

His powers.

A police justice to be elected at first election and every fourth year thereafter.

Assessors, their election and term of office.

Compensation of.

Term of office.

Officers appointed to hold till next annual election.

Village officers must be resident electors.

Resignation.

Treasurer and collector to give bond.

Approval and condition of bond.

Bond, when filed.

Bonds a lien upon real estate.

Action on bond.

Liability of collector and sureties.

Bonds
may be re-
quired of
other
officers.

§ 15. Such other officers as may be required thereto by the board of trustees, shall severally, before they enter upon their offices, execute and file with the clerk (except the clerk, whose bond shall be filed with the president) a bond to the village of Medina, in such sum as the board of trustees shall direct, and with such sureties as the majority of the board of trustees shall approve, conditioned that they shall faithfully discharge the duties of their respective offices, and pay over all moneys received by them respectively.

Trustees
may de-
clare
office
vacant if
bond not
executed
when re-
quired.

§ 16. If any officer, who shall be required by any of the provisions of this act, or by any ordinance of the board of trustees, to execute any bond before or after entering upon the duties of his office, shall fail to execute the same in the manner prescribed by this act, or by any such ordinance, within ten days after he shall have been duly notified to do so, the board of trustees may declare his office vacant, and proceed to cause the same to be filled in the manner provided in this act in the cases of vacancies in office.

President
or trustees
not to be
interested
in village
contracts.

§ 17. No president or trustees shall in any manner, directly or indirectly, be interested in any contract to which the village shall be a party, and any such contract in which any such officer shall be or become interested shall thereby and thereupon be and become void.

Officers
to deliver
property,
papers,
&c., to
succe-
sors.

§ 18. If any person, having been in office in said village, shall not within ten days after notification and request, deliver to his successor in office all property, papers and effects of every description in his possession or under his control belonging to said village or appertaining to the office so held, he shall forfeit and pay to the use of said village one hundred dollars, besides all damages caused by his neglect or refusal so to deliver.

TITLE III.

OF THE BOARD OF TRUSTEES.

Board of
trustees,
how con-
stituted.

Annual
and other
meetings.

SECTION 1. The president and trustees of the village shall constitute the board of trustees thereof. The board of trustees shall meet at such place as the president shall designate annually on the first Tuesday next after the annual election in each year, and at such times as herein-after provided. At all meetings of the board of trustees the president when present shall preside, and in his absence one of the trustees may be called to the chair.

President
has cast-
ing vote.

§ 2. In the proceedings of the board of trustees each member shall have a vote, except the president when presiding, who shall have only a casting vote when the votes of the other members are tied.

Sittings of
board
public.
Minutes
to be kept,
and open
to inspec-
tion.

§ 3. The sittings of the board of trustees shall be public. The minutes of the proceedings shall be kept by the village clerk, and the same shall be open at all times to public inspection, and any person shall have access thereto and the privilege of making a copy thereof for publication in any newspaper published in said village of Medina, but such publication shall be without cost or expense to said village.

Quorum.
Tax, how
ordered,
and ap-
point-
ments,
how
made.

§ 4. A majority of the board of trustees shall be a quorum for the transaction of business, but no tax or assessment shall be ordered, nor any appointment be made, except by a concurring vote of a majority of all the members of the board in office, and every resolution or ordinance of the board of trustees ordering a tax or assessment shall, before it takes effect, be presented duly certified to the president. If he approves of it he shall sign it, in which case it shall take effect immediately there-after unless otherwise ordered; if he do not approve of it he shall return it, with his objections, to the village clerk within ten days after he receives it. The board may then proceed to reconsider the same, and

President
may veto
tax ordi-
nance.

if two-thirds of all the members elected then agree to pass the same it shall take effect as if it had duly received the president's signature ; in every case the vote shall be taken by yeas and nays and entered on the minutes of the meeting, and the objections of the president shall also be entered thereon at length by the village clerk, with the other proceedings. If such ordinance or resolution shall not be returned to the clerk by the president within ten days after its receipt by him, it shall take effect in like manner as if he had signed it.

May be passed by a two-thirds vote.

§ 5. The board of trustees shall hold stated meetings at least twice in each month, and the president, or, in his absence, any three trustees, may call special meetings, by notice in writing served personally upon the other members of the board, or left at their usual place of abode.

Stated meetings.

§ 6. The board of trustees shall determine the rules of its own proceedings and be judges of the election and qualification of its own members, and have power to compel attendance of absent members from time to time, to prescribe the duties of all the officers and persons appointed by them to any office or place whatever, subject to the provisions of this act.

Trustees may compel attendance of members.

§ 7. All accounts and claims against the said village, and all accounts and claims for services rendered or moneys expended by any officer within said village, shall be presented to the board of trustees, and the same shall be referred to a standing committee of said board, to be composed of two members, to be called committee of auditing accounts. It shall be the duty of said committee to inquire or examine into said accounts, and they may send for persons and papers, and may examine the claimant on oath in respect thereto. The said committee shall report the matter referred to therein to the board of trustees, either favorably or adversely, with their reasons, and the said board of trustees shall then hear, examine and determine the same.

All claims against village to be referred to standing committee. Committee to examine claims and make report.

§ 8. The board of trustees or any committee thereof shall have power to issue a summons to any person to appear and testify before them in respect to any matter in the jurisdiction of said trustees pending before or referred to them. Such summons may be served at any place within the county of Orleans, in the same manner as subpoenas for witnesses in criminal cases. Any person who shall refuse to attend in obedience to any such summons may be arrested by an order or attachment, which may be issued by the president or police justice upon proof of the service of such summons and such refusal, and committed to the county jail or other place of detention, until he shall appear and testify as required. Such witness so refusing to attend may also be fined and imprisoned for disobedience of such summons by the president or police justice, in the same extent as a witness refusing to attend in obedience to a subpoena duly issued by a justice of the peace. Whenever any person summoned as a witness before said board of trustees or any committee thereof shall refuse to be sworn or affirmed, or to answer any pertinent and proper question, the president or presiding officer of said board or the chairman of said committee may forthwith commit such person to the county jail or other proper place of detention, for a period not exceeding twenty days, or until he shall be sworn or affirm or answer such questions. Such commitment shall be made by warrant directed to the sheriff of the county or other officer having such place of detention in charge, and shall recite the cause of such commitment, and such officer shall keep such person in close confinement as directed thereby.

Subpoenas.

Attachment may be issued.

Remedy for disobedience to subpoenas.

Witness may be compelled to answer.

Commitment, to whom directed.

§ 9. The board of trustees shall exercise all the corporate powers mentioned in the first section of this act, and shall have the control and

Trustees to have control of

village
property
and
finances.

Additional
powers of
trustees.

For preservation
of records
and property.

For protection
of persons,
&c.

To prescribe
powers
and duties
of officers.

Restraint
and punishment
of beggars,
&c.

Street
assemblages.

Summary
arrests.

Trustees
to fix compensation
of officers.

To audit
claims
and
order payment.

To call
special
meetings
when required.

To examine
treasurer's
accounts.

To exercise
powers of justices.

management of all the property both real and personal belonging to the corporation, and all finances thereof, and no debt or liability which may become a charge against said village or corporation shall be created or contracted except by the authority of said board of trustees. And in addition to such other powers as may be herein conferred upon it, said board of trustees shall have full power:

1. To provide for the care, custody and preservation of the public property, records, books and papers belonging to said village or corporation; to prevent or punish any injury to or trespass upon the same; to make any and all necessary repairs and improvements to the same, and to cause any part thereof to be insured when they shall deem it necessary.

2. To protect the inhabitants in their persons and property, suppress disorderly assemblages, preserve peace and good order, and promote the welfare and good government of the corporation.

3. To prescribe and define the powers and duties of the officers of said village, and in case an officer shall have duties specifically prescribed by this act, to prescribe such additional duties as they may deem the interest of the village to require, and as shall not be inconsistent with this act.

4. To restrain and punish vagrants, mendicants, street beggars and persons soliciting alms, keepers of houses of ill-fame, common prostitutes, bawds and disorderly persons, and to prevent and punish drunkenness and disorderly or immoral conduct in public places and streets.

5. To prohibit the gathering or assembling of persons upon public streets of said village or congregating upon the corners of the streets thereof, and to authorize the constable and police officers of the said village to disperse all such gatherings or assemblages of persons; and upon the refusal of persons so congregated or assembled to disperse when commanded so to do by a constable or duly appointed police officer, under regulations to be prescribed by the board of trustees, such constable or police officer may make summary arrest of any person or persons so refusing and take him or them forthwith before the police justice of said village or justice of the peace of said village, to be tried by him as disorderly persons and punished as such, and all such persons are hereby declared to be disorderly persons.

6. To fix and determine the compensation of the officers of the village where the same is not otherwise provided for by law or this act, and to see that they perform faithfully and correctly their several duties and that proper measures are taken to punish neglect of duty in any of them.

7. To audit such accounts and claims against the corporation as are made out in items and verified, and order the payment of such as shall be allowed, and make such other rules and regulations in regard to the same as they may deem necessary and proper.

8. To call special meetings of the inhabitants of said village whenever in their judgment the same shall be required by the public interest; and it shall be their duty to call such meeting at any time when they shall be requested in writing so to do by any six of the taxable inhabitants of said village of Medina, and to carry into effect every resolution adopted at said meeting or at the annual election.

9. To examine the accounts of the treasurer from time to time and prescribe the manner of paying out and accounting for money received by him for the village.

10. To exercise exclusively, within the limits of said village, the power vested in two justices of the peace by the second section of the

first article of the eighth title of the twentieth chapter of the first part of the Revised Statutes. ices of peace.

11. To establish and regulate a public pound, and to restrain cattle, horses, sheep, swine, dogs, geese and other animals and fowls from running at large in said village, and to authorize the distraining, impounding and sale of the same (except dogs) for the penalty incurred and the cost of keeping and proceedings, and to make regulations for confining dogs and for destroying such as may be found running at large contrary to any ordinance, and to regulate their running at large. Public pound.
Dogs.

12. To prohibit all kinds of gambling, and to regulate billiard rooms and nine-pin or ball alleys. Prevention of gambling.

13. To suppress and restrain disorderly houses and houses of ill-fame. Disorderly houses.

14. To prevent and regulate bathing in the Oak Orchard creek and other waters within said village. Bathing.

15. To prevent immoderate driving or racing in said village. Immoderate driving.

16. To take full charge and control of the cemetery belonging to said village of Medina, sell and convey burial lots therein, and make all needful rules and regulations in relation thereto; also to regulate the burial of the dead, and public burial grounds. Village cemetery.

17. To regulate by license, or prohibit, the exhibitions for money of any circus, caravan, theater, curiosities, tricks of legerdemain, or other shows or entertainments. Shows.

18. To make or cause to be made maps of the village, to survey and designate the boundaries of said village and of the streets, highways and public grounds thereof, and to designate and alter the names of said streets and the number of all lots and buildings. Village maps, survey of streets, &c.

19. To regulate, license or prohibit auction sales and sales by transient persons in the said village, and hawking and peddling in the streets of said village. Auction sales.

20. To prevent any encroachment, incumbrance or obstruction in or upon any street, sidewalk, highway or public ground in said village, and in case of the neglect or refusal of any person who shall have caused any such encroachment, incumbrance or obstruction, or of the owner or occupant of any premises upon which shall be any building, fence or other structure or thing encroaching upon, incumbering or obstructing any street, sidewalk, highway or public ground in said village, to remove the same after being notified so to do, the board of trustees shall have power to cause such removal at the cost and expense of such person or such owner or occupant, and to collect such cost and expense as hereinafter provided. Prevention of encroachments, &c.
Removal thereof.

21. To compel the owner or occupant of any premises in said village to clear the snow, ice, dirt or other substance or material off the sidewalk and out of the gutter, and to the center of the street in front of such premises, and in case of the neglect or refusal of such owner or occupant so to do, to cause the same to be done at the expense of such owner or occupant, and to collect such expense as hereinafter provided. Removal of obstructions.

22. To require any turnpike, plank, flagstone, railroad or other road, corporation or company to keep the street or highway through which its road may pass in said village, and the gutters and drains thereof, in good condition and repair, to lay or relay such road according to the established grade of such street or highway, or such parts of the same as the said board of trustees prescribe and direct, and to remove all incumbrances or obstructions which such corporation or company may have placed or caused to be placed in or on any of such streets or highways without unnecessary delay; and in case such corporation or com- At expense of owner.
Powers of trustees as to railroad and other companies.

Proviso.

pany shall refuse or neglect to do any of the acts so required, the said board of trustees shall have power to cause the same to be done at the cost and expense of such corporation or company, and such cost and expense, to be fixed and determined by the said board of trustees, may be collected as hereinafter provided, but nothing herein contained shall be construed to deprive any railroad company or corporation of any of the rights or privileges now granted or which may hereafter be granted by the general railroad law passed April second, eighteen hundred and fifty, and the acts amendatory thereof.

Gas pipes, trustees to regulate laying of.

23. To regulate the laying of all gas-pipes in said village, and to require any corporation or company, after laying or repairing such pipes in any street or highway in said village, to put such street or highway in good condition and repair, and to remove all incumbrances or obstructions which such corporation or company may have placed or caused to be placed in any such street or highway without unnecessary delay, and to require such corporation or company to keep proper signal-lights burning at night at all holes or ditches, or other places which may have been rendered dangerous to persons traveling such streets or highways; and in case such corporation or company shall neglect or refuse to do any of the acts so required of it, the said board of trustees shall have the power to cause the same to be done at the cost and expense of such corporation or company, and to collect such cost and expense as hereinafter provided.

May require the same to be done at expense of corporation.

Trustees may prevent or regulate structures projecting over streets or sidewalks.

24. To prevent or regulate the erection or construction of any building or other structure which shall project into or over any street or sidewalk in said village, and the hanging or suspending of any goods, signs, sign-boards or any other thing whatever, in or over any such street or sidewalk, and to remove the same at the expense of the person, owner or occupant causing the same, and to collect such expenses as hereinafter provided.

Lighting of streets.

25. To erect lamps, lamp-posts and fixtures, and cause such of the streets of said village as they may deem proper to be lighted, at such times as in their opinion the wants and interests of the village require, and, in their discretion, to charge the expense of erecting such lamps, lamp-posts and fixtures, and of lighting the streets, as street expenses.

Gunpowder, and other explosives.

26. To prohibit, license or regulate the keeping, storing, use or sale of gunpowder, or any other combustible or explosive substance or compound, and the conveyance or transportation of the same in or through any part of said village; also, to regulate or prohibit the use of fire-arms in said village.

Prevention of fires.

27. To prevent or regulate the construction or use of any building, chimney, fire-place, heater, stove, stove-pipe, oven, repository of ashes or charcoal, boiler furnace, or any other apparatus or thing whatever which may be considered dangerous with regard to fire, and to cause the owner or occupant of any premises upon which shall be found any thing dangerous with regard to fire, to remove the same or put the same in a safe condition; and in case such owner or occupant shall neglect or refuse to do so, said board of trustees shall have power to cause the same to be done at the cost and expense of such owner or occupant, and to collect such cost and expense as hereinafter provided; and for the purposes aforesaid, or any or either thereof, the said board of trustees shall have power to enter into or upon, or authorize the entry into or upon any building or premises in said village.

Regulation of the use of lights.

28. To regulate the use of lights in stables or buildings in which combustible materials may be deposited, and prescribe the use of lanterns or safety lamps in stables and buildings; to prescribe limits within said

village within which wooden buildings shall not be erected, and to forbid or prohibit any person or persons to erect within the limits so prescribed any wooden house, store, shop, stable, barn or other structure of wood, as in their opinion the public safety may require, without the permission of said trustees, and to direct that such buildings as they may permit to be erected within said limits shall be constructed of stone or brick, with partition walls of the same material and with fire-proof roofs.

Trustees may prohibit erection of wooden buildings.

29. To compel the inhabitants to keep fire-buckets.

Fire buckets.

30. To prevent and abate nuisances, and to determine what are such, either upon view or upon testimony of witnesses (who may be examined on oath before them), and for these purposes or any or either of them to enter into or upon, or authorize the entering into or upon, any building or premises in said village; and in case the owner or occupant of any building or premises in or upon which such nuisance may be found shall neglect or refuse to remove or abate the same after being notified to do so, the said board of trustees shall have power to cause the same to be removed or abated at the expense of such owner or occupant, and to collect such expense as hereinafter provided.

Trustees may abate and determine what are nuisances.

31. To compel the owner or occupant of any grocery, market, tallow chandler shop, factory, privy, pig-sty, drain or sewer, or any other unwholesome, offensive or nauseous house or place, to cleanse, purify, remove or abate the same from time to time, or as often as in the opinion of the board of trustees it may be necessary for the health, comfort or convenience of the inhabitants of said village.

Trustees may compel the cleansing of any offensive house, &c.

32. To prohibit any person from bringing or depositing any unwholesome, putrid or decayed carcass, skins, hides, fish, meat or other substance or thing within said village, and to require or authorize the removal or destruction thereof.

Putrid matter.

33. To prohibit or regulate slaughter-houses or the slaughtering of animals, and to regulate the time, place and manner of the sale of meats, fish and vegetables within said village.

Regulation of slaughter houses.

34. To prescribe regulations as to the location and construction of private sewers, drains or water-pipes in said village, and for the prevention of any injury or obstruction of any street or sidewalk thereby.

Sewers and drains.

35. To prosecute, in the corporate name of the village, upon any contract or liability in which said village or corporation may be interested, and for all fines and penalties, cost and expense imposed by this act, or by any ordinance or by-law of the village, and enforce the collection thereof.

Trustees may prosecute in corporate name of village.

36. To build or purchase a village hall, purchase fire-engines and necessary hose and other apparatus for the use of the fire department, erect engine-houses or hire suitable places for keeping said engines, hose and apparatus, to dig public wells, sewers and drains, make aqueducts, cisterns and reservoirs in said village for the use of the inhabitants thereof, and procure pumps, hydrants and other necessary fixtures therefor, and to carry into effect any lawful resolution which may be adopted by the said inhabitants at any annual election or special meeting thereof.

Village hall.
Fire engines, &c.
Wells, sewers and drains.

37. To prohibit and punish every game, practice, amusement or act in the public streets, or elsewhere, having a tendency to frighten teams or horses, or to injure or annoy persons passing in or along the highways or streets of the village, or to endanger property.

Prohibition of games.

38. To direct the keeping and return of bills of mortality.

39. To regulate the speed of locomotives, tenders and railroad or other cars, and to prevent the unnecessary obstruction of streets by the same in said village.

Bill of mortality
Speed of locomotives.

Shade
trees and
injury
thereto.

40. To direct and regulate the planting of shade trees and ornamental trees along the streets and sidewalks of said village, and to prevent the injury to shade trees and defacement of fences, walls, posts and buildings in said village.

Ruinous
wall or
building.

41. To compel the owner or occupant of any wall or building within the village, which may be in a ruinous or unsafe condition, to render the same safe or to take down and remove the same, and to prohibit such erections; and in case of the neglect or refusal of such owner or occupant to render such wall or building safe, or to take down or remove the same after being notified so to do, the board of trustees shall have power to cause the same to be taken down and removed at the expense of such owner or occupant, and to collect such cost and expense as hereinafter and as hereinbefore provided.

Expense
of same.

Trustees
may make
certain
costs and
expenses
a lien up-
on lots.

42. To make the cost and expense mentioned in subdivisions twenty, twenty-four, twenty-seven, thirty and forty-one of this section a lien upon the lots or premises therein mentioned or implied, and to issue warrants against the owners or occupants thereof, respectively, to collect such costs and expenses as assessments and taxes are collected.

Room for
trustees.
Reports

43. To provide a room or rooms for the board of trustees.

Fire arms,
rockets,
&c.

44. To require any officer of the village to furnish reports, information or estimates whenever deemed proper by the board of trustees.

Town
clock.

45. To prevent and punish the discharge of fire-arms, rockets, gun-powder and fireworks in or near the streets of the village, or in the vicinity of any building.

46. To accept for said village of Medina, without cost thereto, a tower or town-clock, such clock when so accepted to be and become the property of said village of Medina and be thereafter cared for and lighted by said village.

Village
bounda-
ries.

47. To ascertain, establish, settle and determine the boundaries of the village, and of all the streets, alleys and highways therein.

Scuttles in
roofs.

48. To compel the owners or occupants of buildings to have scuttles in the roofs thereof, and stairs or ladders leading to them.

Trustees
may sue
in name
of village.

49. To sue, in the name and for the benefit of the village, for all penalties imposed by the excise laws, and to impose, fix and recover, for the benefit of the village, penalties for violation of the excise laws or either of them, or any other provisions of this act.

Power to
make or-
dinances,
by-laws,
&c.

50. And for the purposes aforesaid, or any or either of them, or of executing any powers conferred upon the board of trustees or upon the village, by this act or otherwise, the said board of trustees shall have full power to make, establish, publish, modify, amend or repeal ordinances, rules, regulations and by-laws, and prescribe, fix and enforce such penalties or fines as they may deem proper for the violation of them respectively, not exceeding one hundred dollars exclusive of said cost and expense, for any one offense, but every such ordinance, rule, regulation or by-law shall be published at least once in one of the newspapers printed in said village before it shall take effect, and every such ordinance, rule, regulation or by-law, together with a certificate by the clerk of the village of the time of the publication thereof, shall be posted, entered or recorded in a book to be provided and kept for that purpose; and the said record, or a copy thereof certified by the clerk of said village, shall be presumptive evidence in all courts and places, and in all actions and proceedings, of the due passage of such ordinance, rule, regulation or by-law, and of its having been duly published.

To pre-
scribe
penalties
and fines.

Publica-
tion of by-
laws, &c.

Evidence.

TITLE IV.

OF THE POWERS AND DUTIES OF OFFICERS.

SECTION 1. Any officer of the village government, or any person employed in its service, who shall willfully violate or evade any of the provisions of this act, or commit any fraud upon the village, or convert any of the public property to his own use, or knowingly permit any other person so to convert, shall be deemed guilty of a misdemeanor, and, in addition to the penalties imposed by law, shall forfeit his office, and be excluded from receiving or holding any office under the village of Medina thereafter; and any person who shall willfully swear falsely in any oath or affirmation required by this act shall be guilty of perjury. It shall be the duty of the president to preside at any special meeting of the inhabitants of said village, to take care that within said village the laws of this State and the ordinance and by-laws passed by the board of trustees be faithfully executed, and to arrest or cause the arrest of all persons violating the same, to exercise a constant supervision over the conduct of all subordinate officers, to receive and examine into all complaints against them for misconduct or neglect of duty, and to report the facts to the board of trustees, to recommend to the board from time to time such means or measures as he shall deem necessary or expedient for them to adopt to expedite and cause to be carried out all such as shall be resolved upon by them, and in general to maintain the peace and good order of the village. In case the president shall be unable to perform the duties of his office, in consequence of a continued sickness or absence from the village, or if there be a vacancy in the office, the trustees shall appoint by ballot one of their number to preside at their meetings; and the presiding officer thus chosen shall be vested with all powers and perform all the duties of president of the village until the president shall resume his office or the vacancy shall be supplied according to law. No salary or compensation shall be allowed or paid to the president or any trustee for any service rendered in the discharge of their respective offices pursuant to the provisions of this act. The president of the village of Medina shall possess all the power and authority conferred upon presidents of villages by any statute of this State. In case of the absence of the president from any special meeting of the inhabitants of said village, it shall be the duty of some one of the trustees of said village to preside at such meeting, and in case no such trustee shall be present, then such meeting may appoint a chairman.

Misdemeanors.

Additional penalty for.

The president, his duties.

Trustees to appoint one of their number to preside in certain cases.

No salary to president or trustee.

In absence of the president a trustee to preside.

Duties of trustees defined.

§ 2. It shall be the duty of every trustee in said village to attend the regular and special meetings of the board of trustees; to act upon committees when thereunto appointed by the president or board of trustees; to arrest, or cause to be arrested, all persons violating the laws of the State or the ordinances, by-laws or police regulations of the village; to report to the president all subordinate officers who are guilty of any official misconduct or neglect of duty, and to aid in maintaining peace and good order, and to perform or assist in performing all such duties as are by this act enjoined upon the trustees of said village separately, or upon the board of trustees thereof.

§ 3. It shall be the duty of the assessors, within sixty days after any village tax is directed to be levied or assessed, to prepare and deliver to the board of trustees, and file with the clerk, a roll and assessment of such proposed tax upon the taxable inhabitants and property of said village and a duplicate thereof, both of which shall be originals, to one of which shall be attached the warrant for the collection for said tax,

Assessment.

Duplicate thereof.

and to the other a copy of said warrant with a receipt of the collector for said tax roll and warrant.

Powers
and duties
of assess-
sors.

§ 4. The said assessors shall perform all the duties herein specified in relation to the assessment of property within the village of Medina. The assessors elected under this act shall possess all the powers and authority of town assessors, and shall make the assessment roll of the village in the same manner as such assessors, under and in pursuance of the second article of the second title of the thirteenth chapter of the first part of the Revised Statutes except as herein provided. The notice required by the nineteenth and twentieth of said articles shall be given as provided by said nineteenth section, and shall also be published in all the public newspapers printed in said village, and shall designate a place where the assessors will review their assessments and where the roll may be examined. The roll shall be completed, and with all other papers required by said articles to be filed, shall be delivered to the village clerk on or before the third Tuesday in May in each year; it shall be the duty of the board of trustees forthwith to sign and attach a warrant to such roll and deliver the same to the village collector for the collection of such tax.

Notice,
how
given.

Roll to be
delivered
to village
clerk.

Trustees
to sign
warrant.

Assess-
ment roll,
how and
by whom
corrected.

§ 5. The board of trustees shall be vested with the exclusive power to correct the assessment roll in respect to taxes imposed by virtue of this act, in the same manner as a board of supervisors may by law correct the town rolls of their county, and shall possess all the powers in relation to such village assessment roll that boards of supervisors have by statute in the case of town assessment rolls and town and county taxes. The collector of the village of Medina shall collect all taxes and assessments for which the warrant of the trustees shall be delivered to him, and within the time specified in such warrant, and pay the same into the hands of the treasurer, for which purpose the collector shall possess the same power, proceed in the same manner and be entitled to demand and receive the same compensation as collector of taxes of towns, except as otherwise provided for in this act.

Village
collector
to collect
all taxes,
&c., and
pay same
to treas-
urer.

Village
clerk the
custodian
of books,
&c.

Books and
papers to
be pro-
duced for
inspec-
tion.

Certified
copies,
evidence.

Clerk to
keep ac-
count of
moneys
and pay
same to
treasurer.

Shall keep
account of
expendi-
tures.

Moneys,
how
drawn.

§ 6. The clerk of said village shall have the custody of the records, books and papers of the said village; he shall act as clerk of the board of trustees and attend all its meetings; he shall record, in the manner prescribed by said board, their ordinances, rules, regulations, by-laws and resolutions, and also the proceedings at elections and meetings of the inhabitants of said village. The books and papers in the office of said clerk shall at all times, on demand, be produced for inspection to any taxable inhabitant of said village, and, upon like demand and the tender of fees at the rate of six cents per folio therefor, he shall furnish copies of any papers or records filed with him as such clerk. Copies of all papers filed in his office and transcripts from the record of said village, certified by him under the corporate seal, shall be evidence in all courts and in all actions or proceedings in like manner as if the originals were produced. He shall keep an accurate account of all moneys received by him belonging to the village, and shall, within ten days after the receipt of any moneys by him, pay the same over to the treasurer of the village, for which he shall take a receipt from such treasurer, and file the same in his office, and have all such receipts at all times ready for examination by the board of trustees. He shall also keep an accurate account of all expenditures by said village, which account shall be kept in such a manner as the board of trustees shall direct. All moneys shall be drawn from the treasury, in pursuance of the order of the board of trustees, by a warrant upon the village treasurer, signed by the clerk, and countersigned by the president or pre-

siding officer of the board of trustees. Such warrant shall specify for what purpose the amount therein named is to be paid, and the clerk shall keep an accurate account of all orders drawn on the treasurer in a book to be provided for that purpose. The village clerk shall receive for his services such compensation, not exceeding one hundred dollars in each year, as the board of trustees shall fix, and he shall not receive for any service whatever any other fee or reward from the village.

Purpose must be specified.

Compensation of clerk.

§ 7. The treasurer shall receive and safely keep all moneys belonging to the village. He shall also keep an accurate account of all receipts and payments so as to exhibit the amount paid under each particular class of purposes for which money shall be raised, and make returns thereof in such manner, and at such times, as the board of trustees shall direct. It shall also be the duty of the treasurer, not less than ten days before the annual election held under this act, to cause to be published in a newspaper in said village a full and correct statement, in detail, of the receipts and disbursements by the said treasurer for the contingent, street and cemetery expenses of said village from the last annual report. The attorney shall perform such duties as shall be required of him by the trustees.

Treasurer.

Statement of receipts and disbursements to be published.

Attorney, his duties.

§ 8. It shall be the duty of the superintendent of streets, under and subject to the direction and control of the board of trustees, to act as overseer of highways and take general supervision and charge of all the highways and streets in said village, except as otherwise provided in this act. The board of trustees may, at any time, limit, regulate and restrain him in the performance of his duties, and may fix the amount of his compensation, which shall not exceed two dollars and fifty cents per day; and said trustees, upon complaint of any taxable inhabitant of said village, shall immediately remove from office and discharge any superintendent of streets who shall neglect or refuse to perform the duties required of street commissioners of incorporated villages by chapter four hundred and twenty-four of the laws of the State of New York, passed April twenty-ninth, eighteen hundred and sixty-nine, and any act amendatory thereof or supplementary thereto.

Superintendent of streets, duties of.

Subject to control of board of trustees.

May be removed for neglect of duty.

§ 9. The poundmaster shall have the powers and perform the duties conferred and imposed upon him by this act, and upon town poundmasters by any statute of this State, and such other lawful powers and duties as the board of trustees may prescribe.

Poundmaster.

§ 10. It shall be the duty of the policemen to preserve peace and good order, and enforce the ordinances, rules, regulations and by-laws in said village, and they shall perform such other duties as the board of trustees may prescribe. They shall also have the same powers and perform the same duties as constables in towns and counties in this state in criminal cases, and be entitled to the same fees therefor, together with such additional compensation for extraordinary services as the board of trustees shall deem proper. The president shall have power to appoint as many special policemen as from time to time he may deem necessary, to serve without compensation a specified length of time not extending beyond the time for the next annual village election after their appointment. They may be removed at the pleasure of the president.

Duties of policemen.

Have the powers of constables.

Special policemen.

BOARD OF HEALTH.

§ 11. The board of trustees shall annually appoint three persons who shall constitute the board of health for the village of Medina. The board of trustees shall appoint to his office, during its pleasure, a competent physician to be the health officer of the said board. A majority

Trustees to appoint board of health.

Powers of board of health. of said board shall be competent to transact any business thereof. Said board shall possess and exercise all the powers and authority of boards of health in any of the cities or villages in this State; it may hold its sessions at such times and places as it may see fit, publish from time to time its ordinances, resolutions and regulations, as it shall deem proper.

Infectious or pestilential disease. Every practicing physician in said village who shall have a patient laboring under any infectious or pestilential disease shall forthwith make report thereof, in writing, to said board; and for neglecting so to do, shall be deemed guilty of a misdemeanor. Said board of health is hereby declared to be organized in accordance with the provisions of the Revised Statutes of the State of New York, and in addition to all other powers conferred hereby said board of health shall have power to regulate the height of water to be maintained in any race, stream, artificial water course or feeder within said village during the months of July, August and September in any year, and prescribe penalties for the violation of any ordinance, resolution or regulation by them adopted for the purpose of regulating the height of such water.

Height of water in race, stream, &c., regulated.

TITLE V.

OF THE POLICE DEPARTMENT.

Persons arrested. SECTION 1. Every person arrested under or by virtue of the charter of said village, or any ordinance or by-law thereof, shall be taken without unnecessary delay before such police justice or justice of the peace residing in said village, to be dealt with according to law.

Vagrants and disorderly persons. § 2. Where any person charged or complained against as a vagrant or disorderly person, under the provisions of this act, shall be arrested and brought before such police justice or justice of the peace, he shall proceed forthwith to hear and try and determine the complaint or charge upon which such person is so arrested, or he may in his discretion adjourn the hearing or trial, on cause shown, not to exceed ten days, and in the mean time shall commit the accused to jail, or take bail that the accused will appear on such adjourned day; and upon

Penalties. conviction of any such offender, either upon confession or competent testimony, the said police justice or justice of the peace shall have full power, and he is hereby authorized to punish such offender by fine not exceeding fifty dollars or by imprisonment in the county jail of Orleans county not exceeding six months, or by both such fine and imprisonment.

Habitual drunkards declared vagrants. § 3. All habitual drunkards in said village shall be deemed vagrants under the provisions of the second title of the twentieth chapter of the first part of the Revised Statutes, and may be proceeded against accordingly; and in addition to the persons mentioned and described in the fifth title in the twentieth chapter of the first part of the Revised Statutes, all persons who shall be intoxicated in said village under such circumstances as to amount to a violation of the public decency; all persons who shall indecently expose their persons in said village; all persons who shall, by noisy, tumultuous or riotous conduct, disturb the quiet and peace of said village; all persons who shall willfully give or assist in giving a false alarm of fire; all persons who shall use vulgar, profane, or obscene language or conduct in any street or public place in said village; all persons who shall sell intoxicating liquors without license in said village; all persons who shall neglect or refuse to report cases of contagious or pestilential diseases in pursuance of the regulations of the board of health; all persons who shall be guilty of immoderate driving or racing horses on any of the streets of said vil-

Disorderly persons defined.

lage; all persons who shall have incited or induced dogs to fight in any street or public place in said village, or who shall permit any unmuzzled ferocious dog to be at large in any street or public place; all persons who shall be guilty of using or shall use any threatening, abusive or insulting language, or behavior tending to provoke a breach of the peace, or whereby a breach of the peace may be occasioned; all persons who shall willfully break, mar, injure or deface any building, fence, awning, sign, sign-board, tree, shrubbery or other thing, or any of the public property of said village; all persons who shall remove from or pile up before any door, or on any sidewalk or street, boxes, casks or other thing, for the purpose of annoyance or mischief, or who shall willfully tear down, destroy or mutilate any notice or handbill lawfully posted up in said village; all persons who shall willfully rub or throw any liquid, ink or other substance, or any paint, missile or other thing, upon or against any building or fence, or through any window in said village; all persons who shall have abandoned or shall neglect to provide for their families; all persons who, at the time of any fire in said village, shall be guilty of any insubordination or any disorderly conduct, or shall attempt to obstruct the operations of the fire department, or to excite insubordination in others, or shall willfully neglect or refuse to obey, or attempt to prevent or obstruct the execution of the orders of proper officers, or who shall suffer or permit any cattle, horse, sheep, swine, geese or other animals, to run at large in said village in violation of any ordinance or regulation passed or adopted by the board of trustees, shall be deemed and are hereby declared disorderly persons in said village, and shall be proceeded against and punished accordingly; and any person charged with any offense specified in this section which is, by existing law, a crime or misdemeanor, may be proceeded against under the present or existing provisions of law, or under the provisions of this act.

§ 4. All actions brought to recover any penalty or forfeiture incurred under this act, or under any ordinance or by-law made in pursuance thereof, shall be brought in the corporate name of said village, and in such action it shall only be necessary to allege in the complaint that the defendant is indebted in a sum, stating the amount and referring to the section or sections of this act, or of the by-law or ordinance under which the penalty is claimed, and to give the special matter in evidence; and the defendant may answer by denial general or specific, and give the special matter in evidence. The first process in any action under the provisions of this act, or any ordinance or by-law made in pursuance thereof, may be by warrant, and every such process shall contain an indorsement stating that the same is issued to recover a penalty, and referring to the number of the sections of the law, or ordinance or by-law under which the penalty is claimed, and no other indorsement shall be necessary. All expenses incurred in proceedings for the recovery of any fine, penalty or forfeiture under this act, or any ordinance passed in pursuance thereof, shall be defrayed by the corporation, and all such fines, penalties, forfeitures and costs, when collected, shall be paid to the treasurer for the use of the village, except as herein otherwise provided. When judgment shall have been recovered for any such fine, penalty or forfeiture, the execution issued thereon shall direct that if the person or persons against whom the judgment shall have been recovered have no property whereof the judgment can be collected, such person or persons shall be imprisoned in close custody in the jail of Orleans county for a term to be specified

Disorderly persons, how proceeded against.

Actions for penalty must be brought in corporate name of the village.

Answer.

First process may be by warrant.

Indorsement.

Expenses defrayed by corporation.

Fines, &c., to be paid to village treasurer.

Execution, how to contain.

in such execution, not exceeding sixty days, and it shall be executed accordingly.

Com
plaint
without
probable
cause.

§ 5. Whenever, in the opinion of the police justice or justice of the peace, a complaint shall have been made without probable cause, he may impose the cost and expenses of the proceeding upon the complainant and enforce the collection thereof as in other cases.

Subpoena
to issue on
request.

§ 6. It shall be the duty of the police justice or justice of the peace, whenever requested by the trustees or president of the village, to issue a subpoena, requiring any person to appear before him to give evidence upon a complaint or charge for an offense committed or supposed to have been committed in said village, and said subpoena shall have the like effect in all respects, and disobedience thereto punished, the same as if issued in an action pending before him; upon the return of such subpoena the police justice or justice of the peace shall examine the witness or witnesses so subpoenaed, on oath, in relation to the supposed offense, and if it shall appear that any offense has been committed, he shall proceed thereon in the same manner as though such witness had voluntarily made complaint before him.

Disobe-
dience
thereto,
how pun-
ished.

Three
policemen
may be
ap-
pointed.

§ 7. The trustees shall have power to appoint not to exceed three policemen, one of whom they shall appoint and designate as chief of police, all and every one of whom upon executing and filing with the village clerk a bond approved by the trustees, as constables of towns are required to execute and file with the town clerk, shall possess the same powers and perform the same duties in all actions and proceedings, civil and criminal, arising in the bounds of said village, and shall be subject to the same liabilities as town constables in the town of Ridgeway. It shall also be the duty of such policemen to obey such orders as they may from time to time receive from the trustees or the president of the village, or the chief of police, regarding their duties; to report to the president all violations of the ordinances and by-laws of the village, with the names and residences of witnesses; to preserve the public peace; to attend all public assemblages in said village and preserve order; to be vigilant for the prevention and discovery of crime and the detection of criminals, and to report to the president all crimes and offenses committed in the village; to arrest all persons discovered in the actual commission of crimes and breaches of the peace, and all vagrants or disorderly persons, without process; to execute all process issued by the police justice or justice of the peace; to report to the president all suspicious persons, houses of ill-fame, gaming or gambling houses, and all places where idlers, tipplers, gamblers or other disorderly or suspicious persons may frequent or congregate, or any violation of this act; and to perform the duties of watchmen in said village whenever directed so to do by the trustees, the president or chief of police, and obey all rules and regulations which they may prescribe and establish for their government and discipline; and to perform such other duties from time to time as the trustees or president of the village may prescribe or direct. And the trustees may establish and maintain in said village a lock-up, station or watch-house, for this purpose, to be under the superintendence of the chief of police, and they may lease or purchase any building or premises which they may deem necessary or appropriate for that purpose.

Powers
and duties
of police-
men.

Trustees
may es-
tablish a
lock-up.

Fees of
police-
men.

§ 8. The trustees may allow the police justice and policemen such fees for any services performed by them as are allowed by law for similar services to justices of the peace or constables of towns.

Account
of fees of
police jus.

§ 9. The police justice and policemen shall respectively keep an account of their fees in criminal cases in three classes, one of which shall

comprise fees which are properly and by law county charges; the second class such fees as are properly and by law town charges; and the third class such fees as are properly village charges. The first class shall be paid by the county of Orleans, and be levied and assessed by the board of supervisors as other county charges; the second shall be charged upon the towns of Ridgeway and Shelby, and levied and assessed as other town charges; and the third class shall be paid by said village as other village charges.

and police-
men, how
kept.
Fees, how
paid.

§ 10. The trustees, the president of said village, and the policemen, and each and every one of them respectively, shall have the power and are hereby authorized at any and all times, to arrest or cause to be arrested with or without process, any person who may be found by them committing any crime or breach of the peace or violating any of the ordinances or by-laws of said village. Every person so arrested shall be taken forthwith before the police justice or the justice of the peace herein provided. In case such police justice or justice of the peace cannot be found, then the officer arresting such offender may detain him in custody or commit him to the lock-up, station or watch-house, or any other convenient and secure place, for safe keeping, not exceeding twelve hours, until such police justice or justice of the peace can be found, when such officer shall immediately bring such offender before such police justice or justice of the peace to be dealt with according to law. The said officers, or any of them, shall have power to command assistance whenever it shall be deemed necessary, the same as constables of towns, and with like effect.

Trustees,
president
and
policemen
may make
arrests.

Party
arrested
to be
taken
before
police jus-
tice.

Officers
command
assist-
ance.

TITLE VI.

OF THE COMMISSION OF EXCISE.

SECTION 1. The board of trustees shall be the commissioners of excise of said village of Medina, and shall possess the powers and perform the duties of boards of commissioners of excise and be subject to the excise laws of this State, except as modified by this act, they shall meet but one day in each month. The compensation of each commissioner of excise shall be two dollars for each day of actual service. Their expenses for necessary books and blanks shall be audited and paid as other village charges. All license moneys, and all penalties for violation of excise laws or ordinances, shall be paid over to the village treasurer for the benefit of the village of Medina, and may be sued for and recovered in the corporate name of the village.

Com-
mission-
ers of ex-
cise.

Their
compen-
sation.

License
moneys
and pen-
alties to
be paid
treasurer.

§ 2. The board of trustees, upon application being made therefor, may grant license to sell or dispose of malt, spirituous or intoxicating liquors within said village of Medina, for the period of one year, or until the next annual charter election; provided, that every husband, wife, child, parent, guardian or employer, or other person who shall be injured in person, property or means of support by any intoxicated person, or in consequence of the intoxication, habitual or otherwise, of any person, such husband, wife, child, parent, guardian, employer or other person, shall have a right of action in his or her name, severally or jointly, against any person or persons who shall, by selling or giving intoxicating liquors, have caused the intoxication in whole or in part of such person or persons, and the owner or owners of, lessee or person or persons renting or leasing any building or premises, having knowledge that intoxicating liquors are to be sold therein, or having leased the same for other purposes shall permit intoxicating liquors to be sold in such building or premises, that have produced the intoxication in whole

Trustees
may grant
licenses to
sell intox-
icating
liquors.

Action by
person in-
jured by
any intox-
icated
person,
against
liquor
sellers.

Owner or
lessor,
with
knowl-
edge,
liable.

Damages and costs recovered, a lien. or in part of such person or persons, shall be liable, severally or jointly with the person or persons selling or giving such intoxicating liquors, for all damages sustained. All damages and costs assessed or recovered against any person or persons in consequence of the sale of intoxicating liquors, as provided in this section, shall be a lien upon real estate and personal property of such person or persons of every kind, without exception or exemption, and shall continue to be a lien upon the said property until said damages and costs are paid, and any justice of the peace of said county of Orleans shall have jurisdiction of such actions when the amount claimed does not exceed two hundred dollars.

TITLE VII.

OF TAXES AND ASSESSMENTS.

Annual estimate of village expenses. SECTION 1. The board of trustees shall, in each year, within one month after the annual election, make a careful estimate of the village expenses for all purposes, except highways, streets and cemetery, which estimate shall not exceed one thousand dollars, and of the expense of highways, streets and crosswalks, which estimate shall not make a total exceeding three thousand dollars. The board of trustees shall, for said several purposes, have power to raise by tax, in each year, from the property therein liable to taxation, such sum of money as they deem proper, but not exceeding three thousand dollars. The fund for which such sum shall be raised shall be specified in the resolution authorizing the raising of the same, and such funds shall be the street fund and the contingent fund, and all expenses chargeable to the street fund under the provisions of this act shall be paid from such fund; and all other expenses of said village, except the cemetery expenses, shall be paid from the contingent fund.

Power to raise money by tax. § 2. The board of trustees may also, in any year, raise by general tax such further sums as shall have been voted by a majority of the inhabitants of said village entitled to vote and voting on a proposition to raise such additional tax at an annual or special meeting called for that purpose. The vote on such proposition shall be taken by ballot, which shall be indorsed "tax," and shall have on the inside the words "for the tax" or "against the tax;" and in case it is proposed to raise money by tax for more than one purpose, one ballot shall be sufficient for that purpose, and shall have on the inside the words "for street tax," "for contingent tax," "for cemetery tax," or "against street tax," "against contingent tax," "against cemetery tax," or said ballot may be in favor of one or more of such taxes and against the other or others.

Fund to, be specified. No person shall vote on a proposition to raise a tax upon the inhabitants of said village unless he shall be an elector thereof, and shall have resided therein six months next preceding the time when he offers his vote, and shall be a bona fide tax payer in the village, and have his name enrolled on the last tax roll of said village, and be assessed thereon upon real or personal property. The presiding officer shall judge the qualifications of voters at such meetings, and any person misrepresenting to said presiding officer, voting thereat, shall be guilty of a misdemeanor. The clerk shall give at least ten days' notice of any such meeting, by publishing such notice in a newspaper published in said village, and by posting such notice in at least five of the most public places in said village, which notice shall distinctly state the object or objects and each of the objects of such meeting. The result of such ballot shall be announced by the president or chairman thereof before the adjournment of such meeting.

Inhabitants may vote additional sum, at meeting.

Vote must be by ballot.

Form of ballot.

Qualifications of voters.

Clerk to give notice of meeting.

§ 3. The taxes hereinbefore mentioned shall, if practicable, be included in one assessment.

§ 4. Whenever the electors of said village shall, pursuant to the provisions of this act, at the annual or special meeting, or whenever the trustees shall, in cases in which they are authorized so to do, direct any sum of money to be raised by tax, it shall be the duty of the assessors of said village to proceed forthwith, when directed by said trustees, to assess and apportion the same upon or among the owners or occupants of real or personal property, incorporated companies and associations, lands of non-residents in said village, and the inhabitants of said village liable to taxation, in the same manner as taxes of towns are directed by law to be assessed and apportioned, as nearly as practicable under this act.

Assessment, by whom and how made.

§ 5. Such village assessors shall, on or before the fifteenth day of May in each year, make their annual assessment of all property, real and personal, within said village, liable to taxation under the laws of this state, and the poll-tax, hereinafter provided for, and they are hereby invested with the same powers in respect to assessments as town assessors, including the power to administer oaths and to correct valuations on the application of persons aggrieved; but the said assessors must fix the time and place in said village of meeting to hear applications to correct the valuation, and give notice of such meeting by publishing the same once a week for two successive weeks in one or more of the newspapers printed in said village. And said assessors shall perform such other duties as the trustees shall prescribe and direct.

Annual assessment, when to be made.

Powers of assessors.

Meeting to correct valuation. Notice to be given.

§ 6. When such assessment roll shall be completed, the said assessors shall file a copy thereof (verified as assessment rolls of towns are now by law required to be verified) with the clerk of said village, and all the assessments of taxes in said village during the year commencing on the first Tuesday of April shall be made from said assessment, so far as consistent with this act.

Copy of assessment roll to be filed.

§ 7. It shall be the duty of the assessors, after they shall have apportioned any tax and completed the tax and assessment roll, to deliver the same to the clerk of said village, and file a true copy of the same with the treasurer. It shall be the duty of the trustees forthwith to sign and attach a warrant to such roll delivered to said clerk, and deliver the same to the village collector, for the collection of such tax, similar in form to the one prescribed by law for the collection of town and county taxes, and deliver to the village treasurer an account stating the amount to be collected, and for what purpose the same, or any part thereof, is raised or assessed; and said treasurer shall thereupon charge such amount to said collector.

Assessors to deliver roll to clerk.

Trustees to sign and attach warrant.

Account to be delivered to treasurer.

§ 8. Upon the delivery to him of such roll and warrant, the collector shall deposit with the village clerk a copy of the warrant with his receipt indorsed thereon, acknowledging the reception by him of the original roll and warrant, and thereupon shall proceed to receive and collect the taxes in said roll specified. It shall be his duty immediately to publish notice in one or more of the village newspapers, and also to post written or printed notices in three public places in said village, designating some convenient place within the village where he will attend every day for ten days (except Sundays) next after a day in said notice to be specified, from nine o'clock in the forenoon until three o'clock in the afternoon, for the purpose of receiving payment of taxes; and it shall be the duty of said collector to attend accordingly; and any person may pay his taxes at the time and place designated, on pay-

Collector to deposit with clerk a copy of warrant.

Collector to publish notice of time and place at which he will receive taxes.

Fees of collector.

ing such sum as shall be fixed by the trustees, not exceeding one per cent. fees thereon, and thereafter said collector shall proceed to collect the unpaid taxes in his roll specified in the manner provided by law for county or town taxes, and shall have and possess the power and authority conferred by law on collectors of county and town taxes, and shall, in like manner, pay over all moneys collected by him to the village treasurer and take his receipt therefor. The collector shall make return to the treasurer of the village of the amount collected by him, and if any of the taxes remain unpaid he shall deliver to said treasurer an account of the taxes so remaining unpaid, and upon making oath that the sums mentioned in such account remain unpaid, and that he has not, upon diligent inquiry, been able to discover any goods or chattels belonging to or in the possession of the person charged with or liable to pay such sums whereon he could levy the same, he shall be credited by the said treasurer with the amount thereof. Upon all taxes collected after said ten days, such collector shall be entitled to collect and receive five per cent. for his fees.

Collector to make return to treasurer of amount collected.
Collector to be credited with unpaid taxes.

Interest on unpaid taxes and assessments.

§ 9. All taxes or assessments under any of the provisions of this act which shall remain unpaid for three months after the receipt of the warrant by the collector authorizing the collection thereof, shall bear interest at the rate of ten per cent. per annum, from the receipt of said warrant as aforesaid; and such tax or assessment and interest may be sued for and recovered by the village against any person liable therefor.

May be sued for by village.

Renewal of warrant.

§ 10. The trustees may renew from time to time any warrant issued for the collection of any tax or assessment returned uncollected, or issue a new warrant for the collection thereof, and in such renewal or warrant specify the time when the same shall be returned, and direct the collection of the interest on such taxes or assessment at the rate aforesaid, and the same proceedings shall be had thereon as upon the first warrant, after the expiration of the time for receiving taxes after the ten days have expired.

Unpaid taxes, treasurer to furnish trustees with account of.

Notice of such sale, how given.

§ 11. Whenever the treasurer shall receive an account of unpaid taxes from the collector as aforesaid, he shall forthwith deliver a true copy thereof to the trustees, and thereupon the said trustees are authorized to cause the estate on which any such tax is assessed to be sold at public auction, for a term of time, for the payment of such tax with interest at the rate per cent. aforesaid. Before any such sale, however, the said trustees shall give notice thereof as follows: By publishing the same once in each week for three successive weeks in one or more of the newspapers published in said village, and serving a copy of such notice upon the owner of such estate, either personally or by leaving the same at his place of residence with some person of suitable age, or if such owner is a non-resident then by serving a copy of such notice in manner aforesaid upon the agent of such owner, or the occupant of such estate or premises, if they are residents of said village, or, if there be no resident owner or occupant of such estate or premises, or agent, then by mailing a copy of said notice, directed to the place of residence of such owner or the post-office nearest thereto, or, if such place or residence be unknown, then by posting a copy of such notice in a conspicuous place on such estate or premises. Upon such sale, such property shall be sold to the person who shall offer to take the same for the shortest term for the payment of such tax, with interest at the rate aforesaid, and the costs and expenses of such notice and sale. If such purchaser shall fail to pay the tax, and interest; and costs and expenses, the said trustees may cause the same to be collected

Property to be sold to person who will take the same for shortest term.

of said purchaser in the same manner, and the same shall be a lien in all respects, as if such tax and interest were an original assessment, or the said trustees may resell such real estate without further notice (the sale to be considered open for that purpose), and all of the provisions of this act shall be applicable, in case of such second sale, as if it were the first. The trustees shall thereupon, upon the payment of such tax and interests and costs and expenses of notice of sale by such purchaser, deliver to him a certificate of such sale, signed by the president or treasurer, with the corporation seal affixed thereto. The execution of such certificate may be proven or acknowledged as deeds, and be recorded in like manner and with like effect as other conveyances of land.

Trustees may resell.

Certificate of sale.

May be recorded.

§ 12. If any tax assessed upon personal estate of any person shall not be paid, and no goods or chattels shall be found whereof to make the same by levy and sale, such tax may be levied and made by sale of any real estate owned by such person, in the same manner as if the tax were assessed on such real estate, and any tax upon personal estate or property of any person shall be a lien upon the real estate owned by such person as aforesaid, in the same manner as if such tax were assessed on real estate.

Tax upon personal estate may be levied and made by sale of real estate.

§ 13. If the owner of such real estate or property, his heirs or assigns, shall not within two years after such sale pay or tender to the purchaser or his legal representatives, or to the treasurer of the village the amount paid by him, with interest at the rate of ten per cent. per annum, such purchaser or his legal representatives may, immediately after the expiration of two years, enter into possession of such real estate, and hold, occupy and enjoy the same during the term for which it was so sold, and the said certificate duly proved or acknowledged shall be presumptive evidence of the right of said purchaser or his legal representatives, after said two years, to receive possession thereof, and for the purpose of obtaining possession of such real estate as before provided, such purchaser or his legal representatives shall have all the remedies of a purchaser of real estate sold under execution.

Owner may pay, or tender amount within two years.

The certificate evidence. Remedies.

§ 14. All buildings erected by the purchaser on any premises so sold as aforesaid may be removed by such purchaser, his heirs or assigns, at or before the expiration of the term for which such premises were sold.

Purchaser may remove buildings.

§ 15. It shall be the duty of the clerk, in all cases of such sale, to make an entry of the same in the minutes of the proceedings of the board of trustees, with a description of the property sold, the amount for which the same was sold, the length of the term or time, and the name of the purchaser.

Clerk to make entry of sale in minutes.

§ 16. In case any estate or property shall belong to an infant or other incompetent person, the county judge of Orleans county, or any officer authorized therein to discharge the duties of surrogate, shall have power, upon the application of the trustees, to appoint some suitable person as guardian for such infant or person, in the nature of a guardian "ad litem," to protect the interest of such infant or person, and such guardian shall thereupon be served with all notices or papers required to be served, and he shall be entitled to receive five dollars for his services and attendance, and no other fees or costs.

Guardian ad litem for infants.

§ 17. The assessors shall, on or before the fifteenth day of May in each year, when engaged in making the annual assessment of real and personal property in said village, assess each male inhabitant of the age of twenty-one years and upwards, except paupers, idiots, lunatics and ministers, the sum of one dollar poll-tax. The poll-tax thus assessed shall be collected by the village collector, under a warrant of the trustee.

Poll tax.

How collected.

tees, in the same manner in all respects, and at the same time, and for the same fees, as other taxes assessed in said village, and shall be paid over in like manner to the village treasurer, and shall be credited to the street fund; and all provisions of this act in regard to the collection or recovery of taxes, or the sale of property therefor, or in any other respect whatever, shall apply to such poll-tax, so far as applicable, as fully as to any other tax assessed in said village.

To be paid over to village treasurer. § 18. All taxes and assessments charged upon any real estate under the provisions of this act, shall be a lien upon such real estate from the time of filing the roll with the village clerk, and such lien shall have a priority over all other liens and incumbrances.

Assessments upon real estate a first lien thereon. Trustees may collect unpaid taxes by action. § 19. The trustees shall have power to collect, by civil action, any tax or assessment imposed under the provisions of this act which shall be returned by the collector as unpaid, and all tax or assessment rolls filed with the clerk or delivered to the collector shall be presumptive

Evidence. evidence in all courts or places, and in all actions or proceedings, that the taxes and assessments therein contained have been duly and regularly imposed or assessed, and of the right of recovery thereof.

Amount of unpaid tax may be added to the annual tax of succeeding year. § 20. If any tax on real estate shall remain unpaid by reason of a defective description or for any other cause, the amount thereof, with interest at ten per cent. per annum, may be added to the annual tax the succeeding year, and charged upon real estate upon which it was originally assessed, and the same proceedings in all respects for the collection thereof may be had, with the like effect, as in case of tax or

Year in which originally assessed, must be specified on roll. assessment on the same real estate for the then current year; but in all cases of the charging of any tax or assessment of any previous year upon such real estate the year or years in which the same was originally assessed shall be specified on the roll, and the amount thereof shall be separately specified in the proper column, and the real estate upon which it is charged shall be properly and sufficiently described on the roll by the trustees in case it be not sufficiently described thereon by the assessors.

If tax cannot be collected, amount may be raised succeeding year. § 21. In case any tax or assessment shall remain unpaid and there shall be no property out of which the same can be made, the trustees may add the amount thereof to the amount they may raise by tax the succeeding year.

TITLE VIII.

OF STREETS, HIGHWAYS AND SEWERS.

Village, a highway district. SECTION 1. The said village of Medina shall be a separate highway district, exempt from the superintendence and control of the commissioners of highways of the towns of Ridgeway and Shelby, and the said board of trustees shall have all the powers and discharge all the duties of commissioners of highways therein, subject to the provisions of this act, providing however, and exempting from the operation of this act, all the bridges in said village, which said bridges shall remain under the superintendence and control of the commissioners of highways of the towns of Ridgeway and Shelby, and shall be made and maintained by said towns.

Trustees to have powers of commissioners of highways. § 2. The said board of trustees shall cause to be made a map of all the streets and highways in said village, and to be designated thereon in such manner as they deem proper, those streets and highways which, in their judgment, cannot be put in a proper condition for general travel without too great an expense. They may expend a portion of the street fund thereon for the convenience and benefit of the inhabitants thereof;

Map of streets and highways.

but the said corporation shall not be liable for any accident or injury to person or property caused or occasioned by the defective condition of any street or highway thus designated.

Corporation not liable.

§ 3. The said board of trustees shall have power to lay out, make and open streets, alleys, lanes, highways and public grounds in said village, and to alter, widen, contract, extend or discontinue the same, and to cause the same to be repaired or cleaned from time to time as they may deem necessary. They shall cause all streets, alleys, lanes, highways and public grounds laid out by them to be surveyed, and such surveys filed or recorded in the office of the village clerk, and the same, when so opened and made, shall be public highways and grounds.

Trustees have power to lay out streets, &c. Survey.

§ 4. Whenever the board of trustees shall have determined to lay out, alter, widen, straighten or extend, make, open or construct any street, alley, lane, highway or public ground, and to take and appropriate the land necessary for the same, and shall have determined to assess the expenses of such improvement as hereinafter provided, they shall give notice of such determination to the owner or owners of the lands by publishing the same once in each week, for two successive weeks, in each of the newspapers printed in the said village. Such notice shall specify in general terms the improvement to be made, and shall state that such owners or owner, on or before a day to be specified, may file their claims for damages if any they have on account of such taking or appropriation, with the clerk of said village, and that, in case any claim for damages shall be filed as aforesaid, the said trustees will apply, at a time and place to be specified in said notice, to some court of record for the appointment of three commissioners to ascertain and assess the damages so claimed. In case no claim for damages shall be filed as above provided, such owner or owners shall be deemed to have waived all claims to damages, and to have consented and agreed to such improvement. If any such claim shall have been filed, as aforesaid, the said trustees, at the time and place in said notice specified, shall make application to said court for the appointment of such commissioners, and any person who shall have filed such claims shall have a right to be heard on such application. The said commissioners, who shall be residents of the said village of Medina, having been duly appointed, shall enter upon the performance of their duties without delay, shall each take and subscribe an oath before some officer authorized to administer oaths, faithfully, honestly and impartially to perform their duty in making such ascertainment and assessment, according to the best of their ability, and shall give notice of the time and place of their meeting to make such ascertainment and assessment by publishing the same once in the several newspapers printed in the said village. At the time and place so appointed for their meeting, they shall view the premises and in their discretion receive any legal evidence, and may, if necessary, adjourn from day to day; they shall determine and award to the owner or owners so claiming damages as aforesaid such damages as, in their judgment, such owner or owners will sustain by such improvement, after making due allowance for any benefit such owner or owners may derive therefrom. They shall at the same time assess and apportion the said damages, if any, of such improvement on the real estate, and against the persons benefited thereby, as nearly as may be in proportion to the benefit resulting therefrom, and the same shall be payable to the persons entitled thereto, as soon as the same shall be collected as hereinafter provided. The said commissioners shall briefly

Notice of determination to make improvements and to take land therefor, how given.

If no claim filed, damages waived.

Appointment of commissioners.

Commissioners to give notice of hearing, to view premises, &c.

Damages to be assessed against persons benefited.

Commissioners to describe real estate assessed. Value of buildings, &c., to be ascertained. Commissioners to return assessment to trustees. Notice of confirmation. Objections to be in writing. If no objection filed, trustees may confirm assessment. Confirmation to be conclusive. Proceedings on second assessment. After final confirmation, to be filed. Compensation of commissioners. To be assessed as part of damages. County court.

describe the real estate upon which any assessment is made by them, and shall designate the owners or occupants of the several parcels of said real estate and what parcels, if any, are owned by non-residents, according to the best information they can obtain. If there be any building, orchard or garden on any land taken for such improvement, the value thereof to remove shall be ascertained in the assessment, and the owner thereof may remove the same within ten days or such other time as the trustee may allow after the confirmation of the returns of the commissioners, and if the same shall be so removed, the value thereof, as ascertained, shall be deducted from any damages awarded such owner. The determination and assessment of the commissioners, signed by all of them, shall be returned to the trustees within twenty days after their appointment. If either of the commissioners shall be unable to serve from sickness or other cause, the trustees may at any time, without further notice, make application to some court of record to have some suitable person appointed in his stead, and such court shall thereupon make such appointment. After the determination and assessment of the commissioners shall be returned to the said trustees, they shall give notice by publishing the same in one or more of the newspapers printed in said village, that at a time and place to be specified in said notice the same will be confirmed, unless objection thereto be made by some interested person. All such objections shall be made in writing and filed with the clerk. If no such objection shall have been filed, such determination and assessment may, in their discretion, be confirmed by said trustees, and the same shall be final and conclusive, or the same may be annulled; but if objection shall have been filed as aforesaid, the person so filing the same shall have a right to be heard in regard thereto, on the day specified in said notice, or on such other day or days as the trustees may appoint, and said trustees shall, thereupon, either confirm such determination and assessment or annul the same. If they confirm the same, it shall be final and conclusive, but if they annul the same they shall refer the matter back to the same commissioners, or to three others to be appointed on application without further notice by some court of record. The commissioners shall proceed in all things in the making and returning of the second assessment as though it were the first, and the trustees shall proceed thereon as though it were the original assessment. If the trustees shall confirm the second assessment, the same shall be final and conclusive on all parties interested; but if they annul the same, then all proceedings in relation to the matter shall be null and void. After the final confirmation of such determination and assessment, the same shall be filed in the office of said village clerk, and thereupon the said trustees are authorized to cause such improvements to be made and completed.

§ 5. The commissioners appointed as aforesaid shall be allowed two dollars for each and every day actually and necessarily employed in and about their duties, and such compensation and the fees and charges of surveyors, and other necessary costs and expenses (all of which shall be audited and the amount thereof fixed and determined by the trustees) shall be considered part of the expense of such improvement, and shall be assessed with and as part of the damages, as hereinbefore provided. A warrant reciting the assessment shall be issued for the collection thereof, and the assessment shall be collected in the manner and with the fees prescribed in this act for the collection of village taxes.

§ 6. The county court of Orleans county shall always be open for the transaction of any business, or the making of an application contemplated by this title of this act.

§ 7. In all cases where the whole of any real estate subject to any lease or agreement shall be taken for such improvements, all the covenants and stipulations contained in such lease or agreement shall, upon the final confirmation of the assessments for such improvements, cease, determine and be thereafter absolutely void, and in cases when a part only of any real estate shall be so taken, the said covenants and stipulations shall be discharged only as to the part so taken, and the county court of Orleans county may, on application in writing of either or any of the parties interested in such lease or agreement, appoint three disinterested freeholders to determine the rents, payments and conditions which shall thereafter be paid and performed under such leave or agreement in respect to the residue of such real estate; and the report of the freeholders, or any two of them, on being confirmed by the court, shall be binding and conclusive on all persons interested in such real estate.

When real estate is leased, and whole taken for public use, such lease determines. County court may appoint three freeholders to determine rents, &c. Their report final.

§ 8. The board of trustees shall have power to cause any street, alley, lane, highway or public ground, or any part or parts thereof in said village to be graded, leveled, paved, macadamized, planked or graveled, and to cause crosswalks to be made, relaid, amended or repaired, and to determine by resolution, to be entered in the minutes of their proceedings, what part or portion of such expense, if any, which shall not be more than fifty per cent. thereof, shall be defrayed by special assessment upon such portion of the real estate in said village, and against the owners thereof, as the assessors of said village shall deem more immediately benefited by such improvement, and what portion of such expense shall be paid out of the street fund of said village, and they may order or determine that the whole of such expense shall be paid out of the street fund. No part of the expense of grading or paving a street shall be assessed upon any lands not bordering on or touching the same. If the trustees shall determine to assess a portion of such expense by such special assessment, the said assessors, upon being notified so to do, shall forthwith proceed to make a certificate of such special assessment, entering thereon the names of the owners or occupants of the land assessed, and what parcels are owned by non-residents according to their best information, and the name of any corporation or association owning any of the lands. They shall make a just and equitable assessment of the amount fixed by the trustees against the said owners or occupants and upon the lands deemed to be benefited, assessing each parcel in proportion to the benefit they deem it to receive, and shall enter in the said certificate a brief but careful description of each parcel assessed and the sum assessed upon it. When such certificate is completed, they shall fix a time and a place of meeting to correct the same, and shall give notice thereof, stating where said certificate can in the meantime be seen and examined, by publishing such notice in each of the newspapers printed in said village. At the time and place so appointed the said assessors shall meet and hear all persons appearing before them who conceive themselves aggrieved in relation to said assessment, and after such hearing shall make such corrections, if any, in the said certificate as will, in their judgment, render the said assessment more just and equitable. When said certificate shall be thus corrected, the said assessors shall deliver the same and a duplicate thereof, signed by all or a majority of them, to the said trustees, and the same shall be so delivered within twenty days from the first meeting of said assessors to make the assessment; but such time may be extended by the trustees. Any person conceiving himself aggrieved by the said assessment shall have a right to be heard in

Power of trustees to grade streets, &c.

Trustees may determine what portion of expense shall be defrayed by special assessment.

Assessors to make special assessment when notified.

To make equitable assessment of amount fixed by trustees.

Correction of certificate.

Assessors to hear persons aggrieved.

Corrected certificate.

Person aggrieved to be

heard before trustees. relation thereto before the board of trustees, at their first regular meeting after the delivery of the certificate as aforesaid, and at their second regular meeting after such delivery the board of trustees shall either confirm such assessment or annul the same. If they confirm the same, it shall be final and conclusive on all parties interested; but if they annul the same, then all proceedings of the assessors in relation thereto shall be void, and new proceedings may be taken in the manner prescribed in this section. If the assessors, or any or either of them, be interested in property liable to be affected by such assessment, or from any cause incapable of acting, the board of trustees may appoint in place of such assessor thus disqualified a disinterested freeholder of said village, residing therein, to perform the duties of such assessor under this section as to such assessment, and such freeholder, before entering upon the performance of said duties, shall take an oath to make the assessment fairly and impartially according to his best judgment. When any assessment under this section shall be confirmed by the trustees, the said certificate thereof and duplicate shall thereupon be filed with the clerk and shall both be deemed originals, to one of which shall be annexed the warrant for the collection of said assessment, and to the other a copy of said warrant, with a receipt of the treasurer for such certificate and warrant. The compensation of the said assessors or freeholders for their services under this section shall be fixed by the said trustees, and such compensation and all necessary costs and expenses of making such assessments shall be ascertained and audited by said trustees, and by them added to and made a part of said assessment, and the whole amount assessed shall be collected in the manner and with the fees prescribed in this act for the collection of the general village tax. When the grade of a street has been established and the street graded accordingly, the grade of the street shall not be changed and the street graded according to the changed grade except upon petition of the owners of a majority of the lineal feet fronting on the part of the street to be graded, nor unless compensation be made to the owners of property injured by regrading; such compensation to be determined by agreements, or by three sworn commissioners, to be appointed by the county judge of Orleans county.

§ 9. The board of trustees shall have power to require all the sidewalks and the whole or any part or parts of any sidewalks in said village to be constructed, made, paved, flagged, curbed, guttered, relaid, reset, amended and repaired, and to require any or either of said improvements, acts or things to be made or done in such manner, at such times and of such materials as they may prescribe and direct.

§ 10. The board of trustees in their resolutions or ordinances requiring all, any or either of the improvements, acts or things mentioned in section nine of this act, shall specify in what manner and within what time and of what materials the same must be made or done. They shall cause to be served, at least twenty days before the expiration of the time so specified for such performances, upon the owners or occupants of the lands adjoining such sidewalk so to be improved as aforesaid, a copy of such resolution or ordinance with a notice that if the same is not done within the specified time, by the several owners or occupants of the adjacent lands, it will be done by said trustees at the expense of such owners or occupants. Such service shall be made in the manner (except as to publication) prescribed in section sixty-two of this act, for the service of the notice therein required. In addition to such service, the trustees shall also, at least twenty days before the expiration of the time specified for performance, cause a copy of such

If trustees confirm, it is final.

If assessor be disqualified trustees may appoint.

Appointee to take oath.

Assessment and duplicates to be filed with clerk.

Compensation of assessors.

No re-grading without consent and compensation.

Compensation, how determined.

Sidewalks, power of trustees in relation to.

Ordinance in relation to sidewalks.

Notice to be served upon owners and occupants.

Manner of service.

Ordinance to be published.

resolution or ordinance to be published in one or more of the newspapers printed in said village for at least one week. Affidavits of the service and publication of such resolution or ordinance may be filed or recorded, or both, in the office of the clerk of said village, and the affidavits or the record thereof, or a certified copy of either, shall, in all courts and places, actions and proceedings, be prima facie evidence of the facts therein stated. In case any such improvement, act or thing so required shall not be made, done or completed as required within the time so specified, the trustees shall have power to make, do or complete the same, and, having done so, may, without giving any further or other notice, proceed to make a special assessment of the expense thereof against the delinquent owners or occupants, and upon the said adjoining lands owned or occupied by them, assessing upon each parcel or lot of land the expense of the sidewalk immediately adjoining it, and a due proportion of the expense of making said assessment; and said assessment, from the time of filing the certificate thereof, shall be final and conclusive upon all persons and parties affected thereby. The said trustees shall make and file with the clerk a certificate of such assessment and a duplicate thereof, both of which shall be deemed originals, and to one of which shall be attached the warrant for the collection of said assessment, and to the other a copy of said warrant, and the treasurer's receipt for said certificate and warrant; the said certificate shall be substantially in the form prescribed in section eight of this act for the certificate therein required; it shall be signed by the trustees, or a majority of them, and the said assessments shall be collected in the manner, and with the fees, prescribed in this act for the collection of the general village tax. And, in addition to all other remedies contained in this act, the trustees may, in the corporate name of the said village, prosecute any person liable to pay for the construction or repair of any sidewalk, where such walk shall have been constructed or repaired by the said trustees under the provisions of this act, and shall be entitled to recover judgment for all sums laid out or expended in the construction or repair of such walk, together with the costs of suit; such action may be prosecuted in any court having jurisdiction of actions upon contracts, but the judgment, when so obtained, shall not discharge the lien upon the real estate, as hereinbefore provided, until actual payment and satisfaction thereof.

Evidence.

Trustees may make improvement not made within the time required.

Assessment conclusive.

Warrant.

Form of certificate.

Assessment, how collected.

Trustees may prosecute any person liable for construction or repair of sidewalks.

Guardian ad litem.

Compensation of guardian.

Notice to repair sidewalk, curbs and gutters.

Power of trustees over grades of streets, &c.

Sewers.

§ 11. Whenever an infant or other incompetent person shall be interested in any real estate, affected by any improvement under this act, the county judge of Orleans county shall have power to appoint a guardian, in the nature of a guardian ad litem, to protect the interests of said infant or incompetent person; such guardian shall be entitled to receive for his services the sum of not exceeding five dollars, and no other costs or fees.

§ 12. If the trustees shall require any sidewalk or curb and gutter, which has once been made to be repaired, relaid or reset, it shall be sufficient to serve and publish the notice, and the copy of the resolution or ordinance mentioned in section ten of title eight of this act, ten days before the expiration of the time limited to make such improvement, instead of twenty days, as therein provided.

§ 13. The said board of trustees shall have power to establish the grades of all streets, lanes, alleys, highways and sidewalks in said village, and to require the same to be made and repaired in conformity thereto.

§ 14. The trustees are hereby authorized and empowered to construct sewers along the line of any streets or alleys in said village, of suffi-

Expense thereof.

Trustees to appoint freeholders to make estimate.

Certificate of, when final.

Compensation of assessors.

Fire department. Powers of board of trustees.

Chief engineer.

Chief engineer to have custody of fire engines, &c. His powers and duties.

Assistant engineer, his powers and duties.

The president, chief engineer, trustees, or fire wardens may require bystanders to aid at fire.

cient capacity for surface and cellar drainage, and to make a just and equitable assessment for the expenses thereof among the owners, occupants and others interested in all the lots intended to be benefited thereby, in proportion as nearly as may be to the benefit or advantage which each shall be deemed to have acquired thereby, and shall appoint five disinterested freeholders, residents of said village, to make every such estimate and assessment, who, before they enter upon their trust, shall be duly sworn before a justice of the peace in the county of Orleans, or police justice of said village, to make the said estimate fairly and impartially according to the best of their skill and judgment, and a certificate in writing of such estimate and assessment, being returned to the board of trustees and ratified by them, shall be binding and conclusive upon the owners, occupants and others interested in such lots, and the assessment so certified shall be a tax upon such owner or owners, and a lien upon such lots or grounds, and the said assessment shall be collected in the same manner and with the fees prescribed in this act for the collection of the general village tax. Every person acting as such assessor shall receive two dollars for each day actually employed thereat.

§ 15. The board of trustees shall have power to appoint one or more companies of firemen, one or more hook and ladder companies, and one or more hose companies, which shall constitute the fire department of said village; to determine the number of members which shall compose each company, to designate one member of each company as fireman* thereof, to remove, in their discretion, any member of either of said companies, to appoint a chief engineer and assistant engineer, and to make rules and regulations for the government of the fire department and of each and every of said companies, and for the performance of their respective duties

§ 16. The chief engineer of the fire department shall, under the direction of the president and trustees, have the general superintendence and custody of the fire-engines, engine houses, hooks, ladders, hose and other fixtures, apparatus and conveniences, for their preservation, and for the extinguishment of fire. It shall also be his duty to see that the same are kept in proper order, and to make a detailed report to the president of their state and condition, and of the state of the fire department, one week before the annual election, and make like reports to the trustees as often as they may require; it shall also be his duty to be present at fires of buildings within said village, and to take command of the fire companies, hose companies and hook and ladder companies, and the general control of the apparatus for extinguishing fires; he shall also have such other powers and perform such other duties as the board of trustees in their by-laws and ordinances may prescribe. The assistant engineer shall aid the chief engineer at all fires, and in case of the absence of the chief engineer the powers and duties of his office shall devolve upon and be discharged by the assistant engineer. The president and trustees, the chief engineer or fire wardens, may keep all idle and suspicious persons away from any fire in said village, and may require the inhabitants of said village, or any bystanders, to form ranks or lines to carry water for the extinguishment of any fire in said village, and to aid the firemen in working their engines, hooks, ladders and hose, and in removing and protecting property thereat; and if any member of the fire department or any other person, during the time of any fire in said village, neglect or refuse to obey the order of such chief

engineer or assistant engineer, or if any inhabitant or bystander refuse or neglect to obey the order of the president, or of any trustee or fire warden, given under the above named authority, such person shall be subject to a fine of ten dollars, to be sued for and recovered in the name of the corporation, and paid into the corporation treasury for the benefit of the fire department of said village.

Penalty
for dis-
obedience.

§ 17. The members of said fire department, while they continue to be such members, and those who have faithfully served as such for five years, shall thereafter be exempt from services on juries or in militia, except in case of war, invasion, riot or insurrection.

Exem-
tion to
firemen.

TITLE X.

MISCELLANEOUS PROVISIONS.

SECTION 1. Every by-law, ordinance, rule, regulation, resolution or proceeding of the board of trustees of said village may be read in evidence in all courts and places, and in all actions and proceedings, either from a copy thereof certified under the corporate seal, by the president or clerk of said village, or from any printed volume containing such printed by-law, ordinance, rule, regulation, resolution or proceeding, and accompanied by a certificate signed by the clerk of said village that such volume contains a correct transcript of such by-law, ordinance, rule, regulation, resolution or proceeding, and that the same was printed by authority of the said board of trustees.

By-law,
ordin-
ance, rule,
regula-
tion, &c.,
may be
read in
evidence.

§ 2. No person shall be an incompetent judge, justice or juror by reason of his being an inhabitant of said village, or liable to taxation therein, in any action or proceeding in which the said village or corporation is a party or interested.

No inhab-
itant
incompe-
tent to act
as justice
or juror.

§ 3. When judgment shall have been recovered in favor of said corporation for any fine, penalty or forfeiture, execution thereon may issue against the person, as well as the property of the defendant, in the form prescribed by law for such executions.

Body exe-
cution.

§ 4. The president and trustees, and each and every one of them, and the policemen, shall respectively have power and are hereby authorized, at any and all times, to arrest, or cause to be arrested, with or without process, all vagrant or disorderly persons, or any persons who may be found by them committing any crime, misdemeanor or breach of the peace; while in pursuit or search* of any such persons, to enter or cause to be entered, with or without process, any building or place within said village; and the board of trustees may, by ordinance or resolution, confer the same power; or such portion thereof as they may deem necessary and proper, upon the special policemen. The persons thus arrested shall be dealt with according to law. The board of trustees may also establish and maintain a village lock-up, or station or watch-house, which may be used instead of the county jail for the temporary confinement of offenders.

Author-
ity to
make ar-
rests.

Lock-up
may be
used in-
stead of
county
jail.

§ 5. When any tax or assessment on real estate has been collected, under this act, of any tenant of such real estate, he may collect the same of his landlord or offset it against rent of said real estate, unless he be bound by agreement to pay such tax or assessment.

When tax
may be
collected
of land-
lord.

§ 6. All moneys on hand received from the sale of lots in the cemetery belonging to said village, and all moneys hereafter accruing from such sale, shall be paid into the hands of the treasurer and credited to the cemetery fund, and shall be applied to the improvement of said cemetery, and for no other purpose.

Moneys
from sale
of ceme-
tery lots.

* So in original.

Corporation may purchase and hold real estate.

§ 7. The said corporation is authorized to purchase and hold real estate for the purpose of a village hall, fire-engine house, hook and ladder house, pound, and any real estate necessary to be used for the benefit of or as a part of the water-works system established in said village, and the title to all real estate heretofore conveyed to said village of Medina, or to the trustees of the village of Medina, is hereby confirmed and declared legal.

Existing ordinances, by-laws, &c., to remain in force till repealed by trustees.

§ 8. The existing ordinances, by-laws, resolutions and regulations of the trustees of the village of Medina, as the same shall have been passed when this act takes full effect, shall be and continue in force and have the same force and effect as if duly adopted, passed and published by the board of trustees of said village, until the same shall be repealed by the board of trustees.

This act, how to be construed.

§ 9. This act is hereby declared a public act, and the same shall be construed for every beneficial purpose thereof.

§ 10. The legislature may at any time amend or repeal this act.

§ 11. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 12. This act shall take effect immediately.

Chap. 40.

AN ACT to incorporate the Citizens' Savings Bank of Hornellsville.

Passed March 2, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. T. Scott Thatcher, Guy H. McMaster, William G. Coyle, Edward T. Young, George E. McMaster, Cass Richardson, Lovasso Field, Clement H. Young, J. Foster Parkhurst, J. Smith McMaster, William Richardson and their successors, shall be and they are hereby constituted a body corporate and politic, by the name of the Citizens' Savings Bank, to be located in the village of Hornellsville, Steuben county, and by that name shall have perpetual succession, and may sue and be sued in any of the courts of this state.

Corporate name.

Trustees, first year.

§ 2. The persons named in the first section of this act shall be the first trustees of the said corporation, and all vacancies in the office of trustee shall be filled by the board, by ballot, without unnecessary delay, and the vote of a majority of the remaining members of the board shall be necessary to elect a trustee.

Vacancies in board, how filled.

President and two vice-presidents to be elected.

§ 3. The business of said corporation shall be managed and directed by said board of trustees, who shall elect from their number a president and two vice-presidents, and may elect from their number, or otherwise, such other officers as they may deem expedient; and the vote of a majority of a full board of trustees shall be requisite for the appointment of any officer receiving a salary therefrom, or to fix or to increase the salary of any officer; but such majority shall be composed exclusive of any trustees receiving any salary or compensation for services as officers of said corporation.

Officers receiving salary, how appointed.

No trustee to receive pay.

§ 4. No trustee shall, directly or indirectly, receive any pay or emolument for his services, and no trustee, officer or servant of said corporation shall, directly or indirectly, for himself, or as the agent or partner of others, borrow any of the funds of the said corporation, or its depos-

its, or in any manner use the same, or any part thereof, except to make necessary current payments, or to make investments, or to deposit for safety, under the direction and by authority of the board of trustees; nor shall any trustee, officer or servant of said corporation be an indorser or surety, or in any manner be an obligor, for moneys loaned by or borrowed of the said corporation.

Trustee or servant not to be indorsers.

§ 5. A quorum of said board of trustees shall consist of not less than five, of whom the president or one of the vice-presidents shall be one; and it shall be lawful for the trustees, in their by-laws, to provide for a larger quorum; but less than a quorum shall have power to adjourn from time to time, or until the next regular meeting.

Quorum.

§ 6. A regular meeting of the board of trustees shall be held once in each month, to receive the reports of their officers, and transact such other business as may be necessary; and the trustees may, in their by-laws, provide for calling special meetings; and any trustee omitting to attend the regular meetings of the board for six months, unless previously excused by a vote of the board, shall thereby vacate his office as trustee, but may, in the discretion of the board, be eligible to a re-election.

Monthly meetings to be held.

Special meetings.

Office of trustee vacated by non-attendance.

§ 7. The board of trustees of said corporation shall have power, from time to time, to make such by-laws, rules and regulations as they may think proper for the election of officers, for prescribing their respective powers and duties, and the manner of discharging the same, for the appointment and duties of committees, and generally for transacting, managing and directing the affairs of the corporation; provided, such by-laws, rules and regulations are not repugnant to nor inconsistent with the provisions of this act, the Constitution and laws of this State or of the United States.

By-laws.

§ 8. The general business and object of the corporation hereby created shall be to receive on deposit any sum or sums of money that may be offered for that purpose, by any person or persons, or by any religious or charitable corporations or societies, but such deposit by any one of such persons, corporations or societies shall not exceed five thousand dollars, and to invest the same, and declare, credit and pay dividends or interest thereon, as hereinafter authorized, and not otherwise; and all certificates or other evidences of deposit, made by the proper officer of said corporation, shall be as effectual to bind the corporation as if executed under the common seal thereof.

Business and object of the corporation.

Deposit, amount of, limited.

Certificates to bind corporation.

§ 9. It shall be lawful for the trustees of the corporation to invest the moneys deposited with them, and the gains or profits thereof, only as follows, to wit:

Deposits and profits, how invested.

1. In the stocks or bonds, or interest bearing notes or certificates, of the United States.

2. In the stocks or bonds, or evidences of debt bearing interest, of this State.

3. In the stocks or bonds of any city, county, town or village of this state, issued pursuant to the authority of any law of this State; but not exceeding ten per cent. of the assets of the corporation shall consist of town or village bonds.

Assets.

4. In bonds secured by mortgages on improved, unincumbered and productive real estate, situate in this State, worth at least twice the amount loaned thereon; but not to exceed forty per cent. of the assets of the corporation shall consist of such bonds and mortgages.

Mortgages.

5. It shall be lawful for the corporation to purchase, hold and convey real estate only as follows:

Real estate, to be purchased, held and conveyed.

1. A lot and banking-house requisite for the transaction of its business, and for an income from such portions of the same as are not required for its own use.

2. Such as shall have been purchased at sales upon statute or other foreclosures of mortgages owned by the corporation, or upon judgments or decrees obtained or rendered for debts due to it, and all such real estate as is described in the last preceding clause shall be sold by the trustees within five years after the same shall be vested in the corporation, unless, upon application by the trustees, the Superintendent of the Banking Department shall extend the time within which such sale shall be made.

Security to be taken upon loans.

§ 10. In all cases of loans upon real estate, a sufficient bond, or other personal security, shall be required of the borrower, and all the expenses of searches, examinations, and certificates of title or appraisals of value, and of drawing, perfecting and recording papers, shall be paid by such borrower.

Insurance.

§ 11. Whenever buildings are included in the valuation of any real estate, upon which a loan shall be made by said corporation, they shall be insured by the mortgagor for at least two-thirds their value, in such company of this State as the trustees shall direct, and the policy of insurance shall be duly assigned to the corporation; and it shall be lawful for said corporation to renew such policy of insurance, in the same or in any other company of this State, as they may elect from year to year or for a longer or shorter term, in case the mortgagor shall neglect to do so and may charge the same to him. And all the necessary charges and expenses paid by said corporation, for such renewal or renewals, shall be paid by such mortgagor to the said corporation, and shall be a lien upon the property so mortgaged until paid.

Corporation not to deal in real estate or merchandise.

§ 12. It shall be unlawful for the said corporation, directly or indirectly, to deal or trade in real estate in any other case, or for any other purpose, than as authorized in the ninth section of this act, or to deal or trade in any goods, wares, merchandise or commodities whatever, except as authorized by the provisions of this act, and except such personal property as may be necessary in the transaction of its business.

Loans.

§ 13. It shall be lawful for the trustees of the corporation, while awaiting opportunity for the judicious investment of the moneys deposited with them, as authorized and required by this act, to loan the same, or any part thereof, upon the securities mentioned in section nine of this act, but not exceeding ninety per cent. of the cash market value of such securities shall be loaned thereon, and such securities shall not exceed ten per cent. of those mentioned in subdivision three, and not more than forty per cent. of those mentioned in subdivision four of that section; and should any securities depreciate in value after making a loan thereon, it shall be the duty of the trustees to require the immediate payment of such loan, or a part thereof, or additional security therefor, so that the amount loaned shall at no time exceed ninety per cent. of the market value of the securities pledged therefor, nor shall more than five thousand dollars be loaned to one person, firm or corporation.

Securities therefor.

Immediate payment required in certain cases.

Deposits.

§ 14. It shall be the duty of the trustees of said corporation, as soon as practicable, to invest the moneys deposited with them, and the gains or profits thereof, in the securities named in the ninth section of this act, except an available fund of not exceeding twenty per cent. of the deposits with said corporation, which the trustees may keep to meet current payments, and which may by them be kept on deposit in any bank or banking association organized under any law or laws of this

Current expenses, how provided for.

State or of the United States, or with any trust company, incorporated by any law of this State, upon such terms as may be agreed upon; but the sum so kept on deposit in any one bank or trust company shall not exceed twenty per cent. of the capital of such bank or trust company, and shall not exceed twenty-five thousand dollars, or ten per cent. of the whole amount of deposits with the said corporation; or such available fund, or any part thereof, may be loaned by the trustees on call, or on notice not exceeding ten days, upon the securities and in the manner provided in the last preceding section of this act.

Loans on call may be made.

§ 15. The sums deposited with the said corporation shall be repaid to the depositors thereof, or their legal representatives, at such times and with such interest, and under such regulations, as the board of trustees shall from time to time prescribe, which regulations shall be put and kept up in some conspicuous place in the room where the business of the corporation shall be transacted, and shall also be printed in the pass-book of each depositor, but shall not be altered so as to affect any deposit previously made.

Interest and payment of deposits.

§ 16. Whenever any deposit shall be made by any person being an alien or minor, or a female, being or thereafter becoming a married woman, the same shall be held for the exclusive right and benefit of such depositor, and free from the control or lien of all persons whatsoever, except creditors, and shall be repaid, together with the dividends or interest thereon, to the person making the deposit, and the receipt or acquittance of such alien, minor or female, shall be a valid and sufficient release and discharge for such deposit to the corporation.

Deposits by an alien, minor, or female.

§ 17. In all actions in any court of this State, against the said corporation, by a husband to recover for moneys deposited by his wife in her own name, or as her own money, the wife may be examined and testify as a witness in like manner as if she were an unmarried woman. And in all actions against the said corporation to recover for moneys on deposit therewith, if there be any person or persons, whether husband or wife, or otherwise, claiming the same fund, who are not parties to the action, the court in which such action is pending shall, on the petition of said corporation, and upon five days' notice to the plaintiff and such claimants, make an order amending the proceedings in said action, by making such claimants parties defendant thereto; and the said court shall thereupon proceed to hear and determine the rights and interests of the several parties to said action in and to said funds. The said funds or deposits which are the subject of the said action shall remain with said corporation at the same rate of interest as other deposits of the same class, to the credit of the action until final judgment therein, and the same shall be paid by said corporation in accordance with the provisions of said final judgment. The question of costs in the actions referred to in this section shall, in all cases, be in the discretion of the court, but the amount when allowed, shall be the same as in other actions of a similar character.

In actions by a husband, wife may be a witness.

In action against corporation, claimants of moneys who are not parties may be brought in.

Funds to remain with the corporation.

Costs, in discretion of court.

§ 18. It shall be the duty of the trustees of the said corporation to regulate the rate of interest to be allowed to the depositors in such manner that they shall receive, as nearly as may be, all the profits of the said corporation, after deducting necessary expenses, and reserving such amount as the trustees may deem expedient or desirable as a surplus fund, which, to the amount of ten per cent. of their deposits, the trustees of said corporation are hereby authorized gradually to accumulate and hold, to meet any contingency or loss in its business; provided, however, that it shall be lawful for the trustees to classify their depositors according to the extent or duration or character of

Rate of interest.

Surplus fund to meet contingency.

Deposit-ors classified.

pieces of land and premises in said district, in the same proportions in which the whole thereof would be by law assessed and apportioned thereon, if this act were not passed, levied as a tax, to be collected and applied by said city, for the uses and purposes pertaining thereto, and in the manner hereinafter provided, and one-third of the cost and expense of such improvement shall be a general city charge, and the lands and premises included within said district shall not be charged therewith, but shall be and are hereby discharged and freed from all and every lien or assessment, and all liability to be assessed for such one-third.

One-third
the cost
made a
general
city
charge.

Former
proceed-
ings con-
firmed as
to two-
thirds the
sum in-
volved.

§ 2. The proceedings heretofore had for the purpose of levying, laying or apportioning said sum hereinbefore mentioned upon the lands and premises situated in said district of assessment, are hereby confirmed, and made legal and valid as to only two-thirds of said sum, and as to the remaining one-third of such sum such proceedings shall be deemed of no force and effect, and said pieces or parcels of land in said district of assessment, and the owners thereof, are, as to such one-third, discharged and freed from such assessment, and from all liability to be assessed therefor.

Board of
assessors
to reduce
assess-
ment.

Assess-
ment, when, and
in what
amounts
payable.

Assess-
ment to be
confirmed
by the
common
council.

§ 3. The board of assessors of said city shall forthwith proceed to apportion and confirm such assessment upon the principle herein stated and prescribed, reducing the assessment to be made upon the several pieces or parcels of land within said district of assessment by one-third from the amount which would be assessed thereon but for the passage of this act, and in such manner that twenty per cent. of the amount assessed on each parcel shall be due and payable within thirty days from the passage of this act; twenty per cent. thereof on the first day of June, one thousand eight hundred and seventy-five, together with interest on the amount of said assessment remaining unpaid; twenty per cent. on the first day of June, eighteen hundred and seventy-six, together with interest as aforesaid; twenty per cent. on the first day of June, eighteen hundred and seventy-seven, together with interest as aforesaid; and the remainder of said assessment, with interest, on the first day of June, eighteen hundred and seventy-eight, and such assessment so to be laid and confirmed shall be confirmed by the common council, and such reduced sums or assessments shall thereupon become due and payable, and the collector of taxes and assessments shall proceed to collect the same in the same manner as collections of assessments are now made by law.

Deficien-
cy, how
provided
for.

§ 4. For the purpose of meeting the deficiency to arise in said original assessment by reason of the city assuming the payment of one-third thereof, there shall be levied and assessed in the annual taxes of said city annually for five years immediately hereafter an amount equal to one-fifth of such deficiency, with interest thereon, which annual amount shall be in addition to all other amounts limited by law to be raised by tax annually for city and county purposes.

§ 5. This act shall take effect immediately.

Chap. 44.

AN ACT to regulate the salaries of the president, trustees and other officers of the village of Dunkirk.

Passed March 3, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of trustees of the village of Dunkirk is hereby authorized to appropriate as annual compensation to the several officers of said village, amounts not to exceed the several sums, as follows:

To the president, fifty dollars.

To the trustees, each twenty-five dollars.

To the village attorney, seventy-five dollars.

To the village physician, fifty dollars.

To the village clerk, one hundred and twenty-five dollars.

To the village printer, fifty dollars.

To the board of health, not to exceed three members, each fifteen dollars.

To the chief engineer of the fire department, forty dollars.

To the stewards of the fire department, not to exceed four in number, each twenty dollars.

To the street commissioner, four hundred dollars.

To the three village assessors, each fifty dollars.

§ 2. All acts and parts of acts inconsistent with this act are hereby Repealed.

§ 3. This act shall take effect immediately.

Chap. 45.

AN ACT to amend an act entitled "An act to revise and consolidate the general acts relating to public instruction," passed May second, eighteen hundred and sixty-four, so far as relates to the school commissioner districts in and for the county of Steuben.

Passed March 3, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Hereafter there shall be only two school commissioners elected in and for the county of Steuben, and each assembly district in that county is hereby made and shall be a school commissioner district.

§ 2. The first section of this act shall not be construed to reduce the number of school commissioners in the county therein mentioned during the term for which those now in office have been elected, but the present incumbents shall continue in office in their respective districts for the residue of the terms for which they were respectively elected.

Chap. 46.

AN ACT to authorize the board of education of "Union Free School District Number One of the town of Ovid," in the county of Seneca, State of New York, to sell and convey a portion of the land occupied as a site for the school-house of said district.

Passed March 5, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of education of "Union Free School District Number One of the town of Ovid," in the county of Seneca, are hereby authorized and empowered to sell and convey one-fourth of an acre of land, comprising the north end of the premises situated in the village and town of Ovid aforesaid, occupied by said district as a school-house site; but such conveyance shall be made only with the unanimous concurrence of the members of said board.

§ 2. This act shall take effect immediately.

Chap. 47.

AN ACT to amend an act entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester," passed April eighth, eighteen hundred and sixty-one.

Passed March 6, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one hundred and seven of "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester," passed April eighth, eighteen hundred and sixty-one, is hereby amended so as to read as follows:

Notice,
how pub-
lished by
holder of
certifi-
cate.

Forfeiture
for non-
compli-
ance.
Redemp-
tion.

§ 107. Any holder of any certificate of lands sold for city taxes or assessments, who shall be required to publish the notice required by the next succeeding section, shall cause said notice to be published once in each week for six weeks successively in the city papers authorized to publish corporation notices, within one year after the expiration of the period of redemption provided for by the preceding section, or such person shall forfeit any right he may have by reason of such certificate; and any person making redemption after publication of said notice shall, within the time provided for by said section, pay the amount for which the land was sold, with the addition of fifteen per cent. per annum into the city treasury for the use of the person who shall hold said certificate; and this provision shall be applicable to all certificates of the sale of lands for taxes or assessments held by the city of Rochester.

§ 2. Section one hundred and eight is hereby amended so as to read as follows:

Time for
redemp-
tion ex-

§ 108. All persons residing in the city of Rochester, who are owners of lands sold for taxes or assessments under the foregoing provisions,

shall have, in addition to the right of redemption above provided, thirty days to redeem such land after a publication of a notice of such sale signed by the person claiming the premises under such sale, or his agent, and shall specify the amount of the tax or assessment and charges at the time of such sale, and the time for which such premises were bid off; and that the owner is required to redeem the same within thirty days, and all non-resident owners of premises sold as aforesaid shall have the same time for redemption as is hereby granted to resident owners, after the publication of a like notice.

tended
thirty
days.

§ 3. Section one hundred and nine is hereby repealed.

Repeal.

§ 4. Section one hundred and ten is hereby amended so as to read as follows:

§ 110. Whenever any lands in said city shall have been sold for taxes, and the certificate of sale shall be held by said city, and the said lands shall not have been redeemed as above provided, the mayor of said city shall execute a certificate setting forth the original sale, the expiration of two years from said sale, the published notice to redeem, and the expiration of the thirty days above provided for, which certificate under the seal of the city, and duly acknowledged, shall be recorded in the Monroe county clerk's office, and such record shall be a perpetual bar, and foreclose the equity of redemption of all owners or claimants of said premises.

Tax titles,
how per-
fected.

§ 5. Section one hundred and fifteen is hereby amended so as to read as follows:

§ 115. An affidavit of the publication of the notice required by the preceding sections of this title, in order to determine the time of redemption of such lands, specifying the time of such publication, and taken before an officer authorized to take affidavits to be read in courts of record, shall be filed with the clerk of the city within ten days after such publication, and the said affidavit shall be presumptive evidence of the facts contained therein.

Affidavit
of publi-
cation of
notice.

§ 6. This act shall take effect immediately.

Chap. 48.

AN ACT to authorize the common council of the city of Binghamton to erect a bell tower over Academy street.

Passed March 6, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The common council of the city of Binghamton, in addition to the power vested in them in relation to streets under the charter of said city, are authorized and empowered to erect a bell tower over Academy street, and to place the foundation on the sides of said street at such point between the east and west sides of Firemen's hall as the common council of said city may designate for such purpose. And in the erection of such tower it shall be so constructed that said street may be used as a passageway from Collier street to the Chenango canal for the accommodation of such, if any, who may desire to use said street.

Bell
tower,
common
council
author-
ized to
erect.

§ 2. This act shall take effect immediately.

Chap. 49.

AN ACT ceding to the United States of America jurisdiction over certain lands in this State for light-house purposes, and exempting the same from taxation.

Passed March 6, 1874, by a two-thirds vote.

WHEREAS, The United States propose to establish a light-house at Thirty Mile Point, on the south shore of Lake Ontario, in the town of Somerset, in the county of Niagara, and State of New York, for the purpose of aiding navigation; therefore,

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Jurisdiction
ceded.

Proviso.

Exemption
from
taxation.

SECTION 1. The jurisdiction of the lands and their appurtenances, that have been or may be purchased for the establishment of a light-house in aid of navigation on Lake Ontario, in the town of Somerset, in the county of Niagara, is hereby ceded to the United States of America; provided, however, that all civil and criminal process issued under the authority of the State of New York, or any officer thereof, may be executed on said lands, and in the buildings that may be erected thereon, in the same way and manner as if jurisdiction had not been ceded as aforesaid.

§ 2. The lands above described, with their appurtenances and all buildings and other property that may be placed thereon, shall forever hereafter be exempted from all State, county and municipal taxation and assessments whatsoever, so long as the same shall remain the property of the said United States.

§ 3. This act shall take effect immediately.

Chap. 50.

AN ACT to authorize the city of Binghamton to provide for the payment of the Ruloff reward and expenses.

Passed March 6, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Common
council
author-
ized to
raise by
tax an ad-
ditional
sum.

Money,
how kept.

SECTION 1. The common council of the city of Binghamton is hereby empowered and authorized to raise by general tax, in the year eighteen hundred and seventy-four, in addition to the sums it is authorized to raise for city purposes, the sum of two thousand and seven hundred dollars, for the following purposes: twenty-five hundred dollars, to be used in paying the Ruloff reward, offered by mayor Congdon in the year eighteen hundred and seventy, in behalf of said city; two hundred dollars to defray expenses, on account of actions brought against said city by different claimants, for such reward, and now pending in the Supreme Court. Said money when raised shall be kept by the city treasurer a distinct fund to be applied to the purpose specified by the common council.

§ 2. This act shall take effect immediately.

Chap. 51.

AN ACT to extend the time for the collection of taxes in the town of Hunter, in the county of Greene.

Passed March 6, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for the collection of taxes by the collector of the town of Hunter, in the county of Greene, is hereby extended until the first day of April, eighteen hundred and seventy-four; provided, however, that within five days after the passage of this act, the said collector shall pay over all moneys by him collected, and renew his bond to the satisfaction of the supervisor of the said town. Collection of taxes, time extended.

§ 2. This act shall take effect immediately, and shall have the same effect as though the same had passed prior to the fifteenth day of February, eighteen hundred and seventy-four.

Chap. 52.

AN ACT authorizing county courts and courts of sessions to summon additional petit jurors same as circuit courts of oyer and terminer.*

Passed March 6, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All statutes now in force authorizing circuit courts and courts of oyer and terminer to summon additional jurors to serve in said courts, shall apply to the county courts and courts of sessions in this State. County courts and courts of sessions may summon additional jurors.

§ 9. This act shall take effect immediately.

Chap. 53.

AN ACT to prevent persons from obtaining employment in positions of trust upon forged and false papers.

Passed March 6, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any person who shall present any forged letter or forged certificate of recommendation, or make any false statement in writing as to his or her name or residence or previous employments, and thereupon shall obtain appointment to any position of trust, the duties of which are wholly or in part to collect, or receive, or disburse money, shall, upon conviction thereof, be deemed guilty of a misdemeanor, and be punished by imprisonment in the county jail, not to exceed one Misdemeanor. Punishment.

year, or by fine not to exceed the sum of two hundred and fifty dollars, or by both such fine and imprisonment.

§ 2. This act shall take effect immediately.

Chap. 54.

AN ACT to authorize the district attorney of Livingston county to discharge the duties of surrogate of said county during the inability of the county judge and surrogate thereof, on account of sickness.

Passed March 9, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

District attorney to exercise jurisdiction of surrogate.

SECTION 1. Whenever the county judge and surrogate of Livingston county is sick and unable to discharge the duties of his office, the district attorney of said county, in addition to the powers conferred upon district attorneys by section thirty-two of chapter four hundred and seventy of the laws of eighteen hundred and forty-seven, shall possess the power and exercise the jurisdiction of the surrogate of said county during the continuance of the sickness and disability of said county judge and surrogate. The said district attorney shall enter upon the discharge of the duties of such surrogate as herein provided whenever he shall receive notice from said county judge and surrogate of his inability to discharge the duties of said office of surrogate on account of sickness, and a request from him to act as surrogate as herein provided, and the powers and duties of said district attorney shall cease whenever the said county judge and surrogate shall assume the duties of said office. The said district attorney, before he enters upon his duties under the provisions of this act, shall execute a bond, with sureties, the same in all respects as is now required of the surrogate of said county; such bond to be approved and filed as now required by law for the approval and filing of surrogates' bonds. The liability of the county judge and surrogate of said county and his sureties on his official bond shall in no way be affected by the passage of this act.

When to enter upon duties of surrogate.

Bond to be executed.

§ 2. This act shall take effect immediately.

Chap. 55.

AN ACT in relation to the Brooklyn Trust Company.

Passed March 10, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Capital stock may be reduced.

Reduction, how made.

SECTION 1. It shall be lawful for the Brooklyn Trust Company to reduce its capital stock to an amount which shall be equal to the value of the property and effects of said company, beyond all its debts and liabilities. Such reduction shall be made in the same manner now provided by law for reducing the capital stock of banking associations in and by a certain act entitled "An act to provide for the reduction of capital stock of banking associations," passed April thirteenth, eighteen hundred and fifty-nine.

§ 2. From and after such reduction, to be made as aforesaid, the said company may increase its capital stock to the amount and in the manner now provided by the act incorporating said company, passed April fourteenth, eighteen hundred and sixty-six, and by the several acts amendatory thereof. Capital stock may be increased.

§ 3. This act shall take effect immediately.

Chap. 56.

AN ACT to amend chapter two hundred and seven of the laws of eighteen hundred and fifty-two, entitled "An act to incorporate the Cayuga Asylum for Destitute Children," passed April ten, eighteen hundred and fifty-two.

Passed March 11, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section thirteen of chapter two hundred and seven of the laws of eighteen hundred and fifty-two, entitled "An act to incorporate the Cayuga Asylum for Destitute Children," passed April ten, eighteen hundred and fifty-two, is hereby amended so as to read as follows :

§ 13. The board of supervisors of the county of Cayuga shall annually raise and collect, in the same manner as other county charges are levied and collected, any sum of money not exceeding the sum of three thousand dollars in any one year as they may deem proper and just, for the use and benefit of said society ; and all such money, so raised and collected, shall be paid when collected by the treasurer of said county to the treasurer of said society. And the said society shall, upon complying with the terms mentioned in the second section of chapter three hundred and sixty-eight, of the laws of eighteen hundred and forty-nine, be entitled to a distributive share of the moneys appropriated out of the treasury and distributed as therein directed, or as shall hereafter be provided by law in relation to the orphan asylums of this State. Money to be raised.

To whom paid.

Terms to be complied with.

Chap. 57.

AN ACT to empower the judges of the superior court of Buffalo to employ a stenographer.

Passed March 11, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The judges of the superior court of Buffalo shall have the power to employ a stenographic reporter for the civil and criminal* of said superior court of Buffalo, who shall be skilled in his profession, and shall be an officer of the court duly sworn to perform the duties of said office, and shall hold said office during good behavior. Stenographer may be employed.

§ 2. It shall be the duty of such stenographic reporter to take full minutes of the proceedings in all cases tried at the civil and criminal Duty of stenographer.

* So in original.

Compensation.

terms of the said superior court of Buffalo, and shall furnish an accurate transcript of such minutes when requested to do so, and for which he shall be entitled to receive the sum of six cents for each one hundred words so transcribed, which sum shall be paid by the party ordering such transcript.

§ 3. The said stenographic reporter shall receive a salary of two thousand dollars per annum, to be paid from the treasury of said city of Buffalo, quarterly, on the certificate of a judge of said superior court showing that the services have been actually performed.

§ 4. This act shall take effect immediately.

Chap. 58.

AN ACT to extend the time for the collection of taxes in the city of Oswego.

Passed March 11, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Bonds to be renewed.

Penalty.

Time for collecting taxes to be extended.

SECTION 1. If the collectors of taxes of the city of Oswego, in the county of Oswego, shall respectively renew their several bonds, or give new bonds, to the satisfaction of the supervisor or supervisors authorized by law to approve the same, in penalties at least double the amount remaining uncollected under their respective warrants, within five days after the passage of this act, and shall, within the same time, respectively, pay over to the treasurer of Oswego county all moneys which shall then have been collected by them respectively, the time for collecting the taxes in said city, and making the returns thereof, shall be extended to the twentieth day of April next.

§ 2. This act shall take effect immediately.

Chap. 59.

AN ACT supplementary to chapter seventy-six of the laws of eighteen hundred and seventy-three, entitled "An act to define and establish the boundaries of school district number five of the town of Flushing, Queens county; to provide for the purchase of a new school-house site, and erection of a new school-house thereon, and for the sale of the present school-house and site in said school district."

Passed March 11, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. In addition to the sum of forty thousand dollars, authorized to be borrowed and expended by section two of chapter seventy-six of the laws of eighteen hundred and seventy-three, entitled "An act to define and establish the boundaries of school district number five of the town of Flushing, Queens county; to provide for the purchase of a new school-house site, and erection of a new school-house thereon,

and for the sale of the present school-house and site in said school district," the board of education of school district number five of the town of Flushing, Queens county, shall have the power to borrow a sum of money not exceeding twenty-five thousand dollars, and to expend the same for the same purposes, and in the same manner as provided for the said sum of forty thousand dollars, authorized to be raised and expended by the second section of said act.

Board of education have power to borrow money.

§ 2. The said board of education of said school district number five, and their successors, in their official capacity, shall have the power to issue bonds in such sum or sums as they may deem proper, but not exceeding in amount twenty-five thousand dollars (in addition to the forty thousand dollars heretofore authorized by said act of eighteen hundred and seventy-three), (under and within the restrictions herein-after mentioned), to such person or persons, body or bodies corporate, as shall loan the said sum of money, or any part thereof, pledging the faith and credit of the said school district therefor, for the purpose of securing the repayment of such sum, or such or any part thereof, as may be borrowed as aforesaid, together with the interest that may be due thereon, at a rate not to exceed seven per cent. per annum. The principal of said bonds shall be made payable at the rate of two thousand dollars in each year, commencing in the year one thousand eight hundred and ninety-five. The said bonds shall not be sold for less than par value.

Bonds, power to issue.

How secured.

Bonds, when and at what rate payable.

§ 3. The said board of education and their successors in office, for the purpose of paying said bonds and the interest that may grow due thereon, are authorized and empowered to raise, by tax upon the taxable property of said school district, such principal and interest as follows, namely: They shall annually, until the principal and interest of said bonds be fully paid, in addition to such sum as they may be entitled to raise, levy and collect, under the statutes of the State of New York, relating to common schools, and under said chapter seventy-six of the laws of eighteen hundred and seventy-three, and in the same manner and at the same time as is now provided by said statutes, levy, raise and collect a sum sufficient to pay the interest of all outstanding bonds for the year; and in addition to said sums, they shall annually, after the year eighteen hundred and ninety-four, raise the sum of two thousand dollars to pay the principal of the bonds falling due in such year.

Board of education to levy additional tax.

Amount to be raised annually after 1894.

§ 4. The said board of education and their successors shall take no steps in pursuance of the provisions of this act, until the same shall be approved by a majority of voters of said school district number five entitled to vote at school district meetings, voting at a special or annual school district meeting, to be called and held by said board of education at the present public school-house in said district, after giving at least twenty days' notice of such meeting, by posting the same in at least six public and conspicuous places in the said school district, and by publication of such notice in all the newspapers of said village of Flushing, once in each week for two weeks. The said meeting shall be held from the hour of two o'clock in the afternoon until seven o'clock in the evening, during all which time the poll shall be open, and shall be conducted in all other respects as now provided by law. The said board of education shall provide a box for said meeting, in which to receive the ballots hereinafter mentioned. The ballots shall contain the words, "In favor of twenty-five thousand dollars additional for new school-house," or, "Opposed to twenty-five thousand dollars additional for new school-house." If a majority of the ballots cast at such election shall contain

Act to be approved by voters of district.

Notice of meeting.

Meeting, how long to be held.

Ballots, what to contain.

Approval, when given. Board of education to canvass ballots and keep a record of proceedings. Subsequent elections may be called.

the words, "in favor of twenty-five thousand dollars additional for new school-house," the approval aforesaid shall be considered as given. Said ballots, voted as aforesaid, shall be canvassed by the said board of education or a majority of its members; and the said board shall keep a record of the proceedings of such meeting, and shall file the same, together with a certificate of the result of such election, in the office of the town clerk of said town, within five days after such meeting shall be held. In case at the election so held the approval aforesaid shall not be obtained, it shall be lawful for the said board of education to call and hold subsequent elections within two years after the passage of this act, in all respects to be called and conducted as prescribed for said first election; but no succeeding election shall be held within six months of the time of holding a preceding election under this act.

§ 5. This act shall take effect immediately.

Chap. 60.

AN ACT to regulate the fare upon the Gloversville and Kingsboro Street Railroad, and the weight of rails to be used thereon.

- Passed March 11, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Fare.

SECTION 1. The Gloversville and Kingsboro Street Railroad Company are hereby authorized to charge not to exceed five cents fare for any distance within the boundaries of the village of Gloversville, and not to exceed an additional five cents where the same shall extend beyond the present limits of said village.

Weight of rails.

§ 2. The said Gloversville and Kingsboro Street Railroad Company, in the construction of their said road, are hereby authorized to use rails of not less than twenty-five pounds weight per lineal yard.

§ 3. This act shall take effect immediately.

Chap. 61.

AN ACT granting certain rights and privileges to the Gloversville and Northville Railroad Company.

Passed March 11, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Gloversville and Northville Railroad Company shall be entitled to all the provisions of an act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, and of the several acts amendatory thereof, whenever five thousand dollars for every mile of its railroad proposed to be constructed is in good faith subscribed toward its capital stock, and ten per cent. thereon paid in good faith.

§ 2. This act shall take effect immediately.

Chap. 62.

AN ACT to provide for the election or appointment of a police justice in the village of Northville, Fulton county, and for other purposes in relation to the excise moneys in said village.

Passed March 13, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. At the next annual election to be held in the village of Northville, Fulton county, for the election of village officers after the passage of this act, and in every second year thereafter there shall be elected one police justice, who shall hold his office for two years and until another shall be elected and qualified in his place. Such police justice shall, before entering upon the duties of his office, take and subscribe the oath of office, now required by the Constitution, before the clerk of the county of Fulton, within eight days after receiving notice of his election, and if he shall fail to take and subscribe such oath within the time above-mentioned, then his office shall be declared vacant.

Police justice to be elected.

Term of office.

Official oath.

§ 2. The police justice shall have the same powers and jurisdiction and be subject to the same duties and liabilities, as justices of the peace of the several towns in this State, except as herein otherwise provided, and his judgments and proceedings may be reviewed as is or may be provided in cases of judgments and proceedings of justices of the peace.

His powers and jurisdiction.

§ 3. Such police justice shall have no jurisdiction to try civil actions, except such as are brought to recover a fine, penalty or forfeiture for the violation of any by-law, ordinance, rule or regulation of such village, or for fines and penalties incurred for violations of the excise laws within such village; every such action brought in the police court shall be in the name of the corporation, and may be commenced as provided by law. If judgment be given against the defendant in such action, execution may be issued thereon immediately, and shall require, if the officer to whom it is issued cannot find any goods or chattels of the defendant whereof the judgment can be collected, that the defendant be imprisoned in the county jail or village lock-up for a term therein mentioned, not exceeding thirty days.

No jurisdiction in civil actions, except in certain cases.

Execution, when to issue and what to contain.

§ 4. All fines or penalties collected for violations of any by-law, ordinance, rule or regulation of said village, or for fines and penalties collected for violation of the excise laws within said village, shall be paid to the treasurer of said village for the use of the said village.

All fines to be paid to village treasurer.

§ 5. The police justice shall be entitled to receive the same fees as justices of the peace are entitled to for like services, and paid in the same manner.

Fees.

§ 6. Such police justice shall keep a docket, in which he shall enter all business done by him, in the same form and manner as is required by justices of the peace.

Docket, how to be kept.

§ 7. In all cases where the complainant or the defendant in any civil action shall be adjudged to pay the costs, the said police justice shall tax for his services such fees as are allowed by law to justices of the peace for like services, which costs shall be collected according to law, and all fines imposed by said justice for criminal offenses shall be received by him from the person who shall collect or pay the same.

Costs, to be taxed, their amount, and how collected. Fines, by whom received.

Imprisonment for petty offenses may be in lock-up.

Vacancy, how filled.

§ 8. Any person convicted before the police justice, of petty offenses and misdemeanors punishable by imprisonment in the county jail, may, in the discretion of such justice, be sentenced to confinement in the lock-up of said village instead of in the said county jail.

§ 9. If a vacancy shall occur in said office, by death, resignation or otherwise, the president and board of trustees of said village, or a majority of them, shall appoint some person to fill such vacancy, who shall hold his office until the next annual election after the happening of such vacancy.

§ 10. This act shall take effect immediately.

Chap. 63.

AN ACT to amend an act entitled "An act to incorporate the village of Port Richmond, in the county of Richmond," passed April twenty-fourth, eighteen hundred and sixty-six, and the act amendatory thereof, passed April twenty-fifth, eighteen hundred and sixty-seven.

Passed March 14, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section eleven of an act entitled "An act to incorporate the village of Port Richmond, in the county of Richmond," passed April twenty-fourth, eighteen hundred and sixty-six, as amended April twenty-fifth, eighteen hundred and sixty-seven, is hereby amended by adding thereto the following, viz :

Board of excise to pay over moneys to village treasurer.

The board of excise in said village of Port Richmond shall, forthwith, pay over to the treasurer of said village, all moneys now remaining in their hands as such board of excise ; and hereafter all moneys which shall be received by said board for licenses, and all penalties which shall be recovered by them for violations of the excise laws, and all fines imposed by justices of the peace in said village, or by any other court, for offenses committed in said village against said excise laws, shall, in like manner, be paid over to said treasurer, and said treasurer shall render an annual account thereof the same as of other moneys of said village, and said trustees shall expend all moneys which shall be paid to said treasurer under this act, for the ordinary expenses of the village.

Treasurer to render an annual account.

§ 2. Section sixty-one of said act incorporating said village of Port Richmond, is amended so as to read as follows :

Village clerk, his duties.

§ 61. The clerk shall attend the meetings of the trustees, and the annual and special meetings of the electors, and record in a book, known as the journal of the village, all resolutions, ordinances, directions and other determinations at such meetings, including the election of officers, with their oaths of office ; he shall also enter in a book, to be known as the clerk's minutes, a memorandum of all notices served by him, stating the time and manner of service, with any other minutes directed by this act to be kept by him. He shall serve, or cause all notices to be served by some person of suitable age and discretion, and file all papers required by the trustees or by this act, make copies of assessment rolls, tax-lists and other papers required by the trustees or president, and keep in good order the books and papers in his office.

Notices.

§ 3. Section sixty-two of said act is amended so as to read as follows:

§ 62. The entries in the journal, or sworn copies thereof, are sufficient evidence of acts lawfully entered. The entries in the clerk's minutes shall be presumptive evidence of the facts therein stated; and when a notice is required by this act, or by the trustees, to be served or published, an affidavit of such service by the clerk, or by the person authorized by him to make such service, made and filed within ten days thereafter, or, if published in a newspaper, an affidavit of the publisher or his foreman, made and filed within ten days after the last publication, is presumptive evidence of the facts therein stated; but this section shall not prevent the truth and correctness of such entries from being controverted or countervailed by other proofs in an action brought within one year after the entries are made, or papers filed, to vacate the same, in which action their truth or correctness shall be expressly called in question by the pleadings. The clerk's books and papers shall, at all times, be subject to examination by any elector.

Entries in journal, or sworn copies, evidence.

Affidavit, how far evidence.

Clerk's books.

Chap. 64.

AN ACT to amend chapter seven hundred sixty-seven of the laws of eighteen hundred and seventy-two, entitled "An act to establish the compensation of county judges and surrogates, pursuant to the fifteenth section of the amended sixth article of the Constitution.

Passed March 14, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of chapter seven hundred and sixty-seven of the laws of eighteen hundred and seventy-two, entitled "An act to establish the compensation of county judges and surrogates, pursuant to the fifteenth section of the amended sixth article of the Constitution," is hereby amended so as to read as follows:

§ 5. Whenever the county judge of one county shall hold the county court, or preside at the court of sessions in any other county, he shall be paid the sum of five dollars per day for his expenses in going to and from, and holding or presiding at any such court, which shall be paid by the county treasurer of such other county on the presentation to him of the certificate of the clerk of such court of the number of days, provided, that such compensation shall be paid only in case of the sickness or disability of the county judge of the county in which such court is held.

Expenses of county judges to be paid.

By whom paid.

Proviso.

Chap. 65.

AN ACT establishing a ferry from the farm of Clark P. Ives of the county of Essex across Lake Champlain.

Passed March 17, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall and may be lawful for Clark P. Ives of the town of Ticonderoga, his heirs or assigns, to set up, keep and maintain a

Ferry established.

Term of.

ferry across Lake Champlain, from the land or farm of the said Clark P. Ives and others, at Port Marshall in said town of Ticonderoga, to the town of Orwell, in the State of Vermont, for the term of ten years, to be computed from the passage of this act.

Ferry to be set up within one year.

Suitable and safe boats to be provided and kept.

County court to fix rates of ferriage annually.

§ 2. If the said Clark P. Ives, his heirs or assigns, shall set up a ferry as aforesaid within the period of one year from the passage of this act, it shall be his and their duty, and he and they are hereby required during the time aforesaid, to keep, maintain and support suitable and safe ferry boats, capable and sufficient for carrying carriages, horses, cattle and passengers, and ready at all reasonable times and seasons to transport and ferry across said lake persons, goods and chattels.

§ 3. The county court of the county of Essex shall and may, and hereby is directed, annually during the continuance of this act, in the month of January to order, direct and determine the several rates of ferriage, and hours of the day that boats shall be kept in readiness belonging to said ferry.

Penalty for exacting or receiving illegal ferriage.

§ 4. If the said Clark P. Ives, his heirs or assigns, or any ferryman or other person employed by them, shall take, exact or receive any greater or higher rates of ferriage, for transporting goods and chattels, passengers or other property whatsoever, than shall be allowed by the provisions of the next preceding section of this act, the person or persons so offending shall forfeit and pay for every such offense the sum of five dollars, to be recovered with costs of suit, before any justice of the peace within the county of Essex, by the party aggrieved.

No competing ferry to be set up within one mile.

§ 5. If any other person or persons shall, within ten years after the passage of this act, set up, keep or maintain any ferry, or shall carry or transport any person, goods or chattels for hire or pay across said lake, from any place on the west side or shore of the same within one mile north or south of the now dwelling house of Charles Stewart, situated on the southeast corner of said farm, every such person or persons shall, for every such offense, forfeit and pay the sum of five dollars, to be recovered with costs of suit before any justice of the peace in the county of Essex, by the party aggrieved; provided, that nothing in this act contained shall be deemed or taken to prevent any person or persons who reside within the limits aforesaid, and adjoining the said lake, from the right of making use of their own boats and transporting themselves and property across the same at their pleasure.

Penalty.

Persons may use their own boats.

When franchise forfeited.

§ 6. If at any time hereafter, it shall appear upon sufficient evidence to the county court of the county of Essex, that the said Clark P. Ives, his heirs or assigns, shall willfully and knowingly neglect to comply with the directions or restrictions of this act, in keeping and maintaining the ferry as aforesaid, said court shall adjudge and declare that all the privileges granted to them by virtue thereof, shall cease and be of no effect.

§ 7. This act shall take effect immediately.

Chap. 66.

AN ACT extending the time in which the Canandaigua, Palmyra and Ontario Railway Company shall expend ten per cent. of its capital in the construction of its road, and in which to finish the same, and to put it in operation.

Passed March 17, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time in which the Canandaigua, Palmyra and Ontario Railway Company, as limited by the forty-seventh section of the act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, is required to begin the construction of its road, and to expend thereon ten per cent. on the amount of its capital, is hereby extended for two years, from the twentieth day of March, eighteen hundred and seventy-four, and the time in which it shall finish its road and put it in operation for three years thereafter.

Time given for construction of road, and to expend ten per cent of capital thereon, extended.

§ 2. This act shall take effect immediately.

Chap. 67.

AN ACT in relation to town meetings in the town of Cortlandt, in the county of Westchester.

Passed March 17, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Election for town officers in the town of Cortlandt, in the county of Westchester, shall be held on the days appointed for the annual town meetings in the several towns of the county of Westchester, and for that purpose polls shall be opened in each and every election district of the said town, at the places designated for the holding of general elections. The inspectors of election, duly elected or appointed to preside over and conduct general elections, shall preside over the election of town officers and the voting for appropriations provided for by this act, and shall be entitled to the same compensation for their services as they are authorized by law to receive for attendance at general elections.

Election for town officers, when to be held.

Inspectors of general elections to preside.

§ 2. All the electors of said town entitled to vote at a general election, shall have the right to vote at each town election in the district in which they reside, and all town officers of such town shall be voted for upon a ballot indorsed "Town Officers," except the receiver of taxes and assessments for the town of Cortlandt, and village of Peekskill, who shall be voted for upon a separate ballot indorsed "Receiver." All ballots indorsed "Town Officers" shall be deposited in a ballot box labeled "Town Officers," and all ballots endorsed "Receiver" shall be deposited in a ballot box labeled "Receiver."

Qualifications of voters.

Endorsement on ballot.

§ 3. No elector shall vote for more than two persons as inspectors of elections, and any ballot containing more than two names shall not be

No elector to vote for more than

two inspectors.

Present inspectors to preside at first election.

Canvass of votes.

Reports.

Returns, where deposited.

Returns, when, where, and by whom opened.

Supervisors and justices to ascertain and declare result.

Person having next highest number of votes to be appointed.

Certificate to be made and filed.

List of those appointed. Town clerk to transmit certified copy of certificate to county clerk, and notify persons elected or appointed.

Oath of office.

counted in the canvass. Inspectors of elections held under this act shall be residents of the election district for which they are elected or appointed; but the inspectors of elections elected at the last town election, and prior to the passage of this act, or lawfully appointed at or after such election, shall preside over and conduct the first election held under this act in the district for which they were elected or appointed.

§ 4. The inspectors of election, immediately after the closing of the polls, shall proceed to canvass the votes cast in their respective districts, at the place where the election is held, and, without adjournment, shall complete their canvass, and make detailed reports in writing, in duplicate, of the result of such election, which returns shall be signed by them. They shall thereupon severally inclose and seal up such returns, and the chairman of such inspectors shall, within twenty-four hours after the closing of the polls, deposit one of such returns in the office of the town clerk of said town, and deliver the other to the supervisor of said town.

§ 5. The supervisor and justices of the peace of said town, or a majority of them, shall meet at the office of the town clerk at noon, on the Thursday following each election held under the provisions of this act, and open in public such returns. They shall thereupon ascertain the result of such election as shown by the returns of said inspectors, and shall declare the persons respectively who shall have received the highest number of votes duly elected to the offices which they have been respectively voted for; provided, however, that only the two inspectors of election in each of the several election districts shall be declared elected inspectors for such district. The supervisor and justices present at such meeting shall thereupon appoint the person having the next highest number of votes for inspector of election in each district the third inspector of election for such district. In case two persons in any district shall have received such next highest number of votes, the supervisor and justices, or a majority of them, may appoint either of said persons as such third inspector. The said supervisor and justices, or a majority of them, shall thereupon certify, in writing, the result so ascertained by them, and in such certificate shall set forth the names of all the persons voted for, the offices for which they were designated, as appears by the returns, the number of votes received by each, and the persons declared by them to be elected, which certificate shall be filed in the office of the town clerk. The said supervisor shall also file a list of the persons so appointed to act as inspectors of election. The town clerk shall forthwith transmit a copy of said certificate duly certified by him to be a correct transcript thereof, to the clerk of the county of Westchester, who shall file the same in his office. Within ten days after the filing of said certificate in the town clerk's office, said town clerk shall give notice in writing to the several persons declared by such certificate to be elected or appointed, of such election or appointment. And said town clerk shall thereupon be authorized to administer the oath of office to the several persons declared in said certificate to have been duly elected or appointed, who are hereby required to take such oath before him.

§ 6. The said town clerk shall, at least ten days before the time appointed for each town election, cause to be posted, in at least ten conspicuous places in each election district of said town, printed handbills, announcing the date of such election, the several places where the same will be held, the various offices to be filled at such election, and the several appropriations applied for by the commissioners of highways of said town.

§ 7. All appropriations applied for by the commissioners of highways of said town, under and pursuant to the laws of this State, authorizing appropriations for highway purposes to be made at town meetings, shall be voted for at such election by ballot, by the electors qualified to vote for town officers at such election, except as herein provided. Each ballot shall be for or against the appropriation or appropriations so applied for, designating the same by amount of appropriation and location of highway for which the same is applied for by the commissioners, and such ballots shall be indorsed "appropriations for highway purposes." Each voter shall have the right to vote by the same ballot for or against all appropriations so applied for, or either of them, and all ballots shall be deposited in a ballot box to be provided for the purpose, and which shall have thereon the words "appropriations for highway purposes." Such ballots shall be canvassed, and the result of such voting certified in the manner provided by the fourth and fifth sections of this act, with regard to the election of town officers, so far as the same shall be applicable thereto.

Appropriations applied for by commissioners of highways, to be voted for by ballot.

Voter may vote by same ballot for or against any or all appropriations.

§ 8. No person who is a resident of an incorporated village in said town shall vote under the provisions of the seventh section of this act, unless he shall be the owner of land within said town, but without the corporate limits of such village, liable to taxation for highway purposes.

Qualification of voters.

§ 9. All business authorized by law to be transacted at any annual or special town meeting, except such as is provided for under the preceding sections of this act, shall be transacted and performed by the board of town auditors of said town, at any meeting of said town auditors, lawfully convened.

Business to be transacted by board of town auditors.

§ 10. Elections provided for by this act shall be held from sunrise to sunset of the day of election, and all laws of this State relating or pertaining to elections for State and county officers, so far as the same are not inconsistent herewith, shall apply to elections held under the provisions of this act.

Elections to be held from sunrise to sunset.

§ 11. This act shall take effect immediately.

Chap. 68.

AN ACT to repeal part of chapter four hundred and ninety-five, relating to the building of a new bridge over Chambers' creek, and "making the present toll bridge over Murderers' creek, in the town of New Windsor (in Orange county), free," passed May fifth, eighteen hundred and sixty-three, and for other purposes.

Passed March 17, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All of that part of the act entitled "An act to provide for the building of a bridge over Chambers' creek, in the towns of Newburgh and New Windsor, in the county of Orange, and for making the present toll bridge over Murderers' creek, in the town of New Windsor, free," passed May fifth, eighteen hundred and sixty-three, so far as the same applies to the town of Highlands, in the county of Orange, is hereby repealed.

Repeal as to town of Highlands.

Board of supervisors to credit certain moneys to town of Highlands.

§ 2. The board of supervisors of the county of Orange, at their next annual session after the passage of this act, shall credit the amount of all moneys apportioned to and levied by them on the taxable inhabitants of the said town of Highlands, since the day of its organization by said board, for repairs on the said Murderers' creek bridge, and to apportion the same, to be collected from the several towns mentioned in said act.

§ 3. This act shall take effect immediately.

Chap. 69.

AN ACT to amend an act entitled "An act to amend the Revised Statutes in relation to laying out public roads, and of public roads and of the alteration thereof in the town of Greenburgh," passed April fifteenth, eighteen hundred and fifty-four.

Passed March 17, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly do enact as follows:

SECTION 1. Section two of an act entitled "An act to amend the Revised Statutes in relation to laying out public roads, and of public roads and of the alteration thereof in the town of Greenburgh," passed April fifteenth, eighteen hundred and fifty-four, is hereby amended so as to read as follows:

Jurors, qualifications of.

§ 2. At the time and place mentioned, the town clerk of such town having received such notice that such jury is to be drawn, shall, in the presence of a justice of the peace or one of the assessors of the town, deposit in a box the names of all persons then residents of his town outside of the boundaries of any incorporated village in said town, and of all persons residents of any such incorporated village, and who are owners of land in said town outside of the limits of said village, and whose names are on the list filed in said town clerk's office of those selected and returned as jurors, pursuant to article second, title four, chapter seventh, part third of the Revised Statutes, who are not interested in the lands through which said road is to pass, nor of kin to the owner thereof, and shall publicly, in the presence of such justice or assessor draw therefrom the names of twenty persons who shall be freeholders of the town, and shall make a certificate of such names and the purposes for which they were drawn, and shall deliver the same to the person asking for the survey.

Town clerk to draw jury.

§ 2. This act shall take effect immediately.

Chap. 70.

AN ACT to authorize the election of town auditors in the several towns of the county of Westchester, and to prescribe their powers and duties.

Passed March 17, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Town auditors to be elected

SECTION 1. In addition to the officers now authorized by law to be elected at town meetings, there shall be elected in each of the towns of

the county of Westchester, at the next annual town meeting held after the passage of this act, and annually thereafter, three town auditors, whose term of office shall continue during one year after their election, and who shall form the board of town auditors of the town for which they are elected. at next annual meeting.

§ 2. All the powers conferred by law upon boards of town auditors, and all duties required by law to be performed by such boards, in relation to the auditing and allowance of bills and claims against towns, so far as applicable to said county, are conferred upon and shall be required of the town auditors elected or appointed under and pursuant to this act. Powers and duties of town auditors.

§ 3. Such town auditors shall be voted for upon the same ballots as other town officers, and the votes for such auditors shall be received and canvassed, and their election shall be certified in the manner in which the votes for other town officers are received and canvassed, and their election certified, excepting, however, that only two of such auditors shall be voted for on each ballot, and the two persons having the highest number of votes shall be declared elected as two of such auditors, and the person having the next highest number of votes shall be declared elected as the other of such auditors. Town auditors, how voted for. Appointment.

§ 4. No person shall be elected as such town auditor, or shall hold office as such, unless he is a freeholder of the town for which he shall be elected, and no person so elected shall hold any other office in such town during the term for which he is elected; and if he shall accept an election or appointment to any other office in such town, he shall immediately cease to be a town auditor, and the vacancy in his office shall be supplied in the manner hereinafter required. Qualifications of auditors.

§ 5. Each of such town auditors shall be entitled to and shall receive for his services, five dollars per day for each day not exceeding three, actually employed by him in the performance of the duties of his office. In case of any vacancy occurring in the board of town auditors, by the death or removal from the town of any or either of such auditors, or by his neglect or refusal to accept such office, the supervisor of the town in which such vacancy occurs may appoint some suitable and competent person to fill such vacancy until the next annual town meeting thereafter. Compensation. Vacancy, how filled.

§ 6. All acts or parts of acts inconsistent herewith, so far as the same are applicable to the several towns in the county of Westchester, are hereby repealed. Repeal.

§ 7. This act shall take effect immediately.

Chap. 71.

AN ACT to amend an act passed April twenty-six, eighteen hundred and sixty-nine, entitled "An act for the election of a receiver of taxes and assessments for the town of Cortlandt and village of Peekskill."

Passed March 17, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of the act entitled "An act for the election of a receiver of taxes and assessments for the village of Peekskill,"

passed April twenty-six, eighteen hundred and sixty-nine, is hereby amended so as to read as follows:

Receiver of taxes, when to be elected.

Receivers, how voted for.

Vacancy, how supplied.

§ 2. The said receiver of taxes and assessments shall be elected on the day appointed for the annual town meetings in the several towns of the county of Westchester, in the year eighteen hundred and seventy-four, and at each alternate town election thereafter, except when a vacancy shall occur in said office, in which case such vacancy shall be filled at the next annual town election in said town. Such receiver shall be elected by the electors of the said town of Cortlandt, and shall be voted for on a separate ballot, and the result ascertained and declared in the same manner as in the case of other town officers of said town. Any vacancy in the said office of receiver of taxes and assessments may be supplied, until the election to fill such vacancy and the qualification of the person then elected, by a joint board, composed of the supervisor and town clerk of the town of Cortlandt, and the president of the village of Peekskill. Such board shall be convened by the supervisor of the town of Cortlandt, on three days' personal notice of the time and place of meeting.

§ 2. This act shall take effect immediately.

Chap. 72.

AN ACT authorizing and empowering the board of directors of the village of Saugerties, in the county of Ulster, to assess, levy and collect the sum of four thousand six hundred dollars, for the purpose of liquidating and discharging the indebtedness of said village.

Passed March 18, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Board of directors, authorized to levy an additional sum of money.

SECTION 1. The board of directors of the village of Saugerties are hereby authorized and empowered, in addition to the money which they are now authorized by law to assess, levy and collect, to assess, levy and collect, from the property liable to taxation in said village, the sum of four thousand six hundred dollars, to be assessed, levied and collected in the same manner and at the same time the next annual tax is assessed levied and collected.

Money to be paid to the treasurer.

Indebtedness to be paid.

§ 2. The said money specified in section one of this act, when collected shall be paid to the treasurer of said village, and said board of directors shall liquidate and discharge, with the said moneys, the existing indebtedness against the said village of Saugerties, said moneys to be drawn from the treasury in like manner as other moneys of said village are drawn.

§ 3. This act shall take effect immediately.

Chap. 73.

AN ACT to authorize the sale of certain lands and premises situate in the city of New York, belonging to Nehemiah Denton and his issue.

Passed March 20, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Supreme Court of the State of New York is hereby authorized, upon the petition of Thomas Smith, committee of the person and estate of Nehemiah Denton (formerly Nehemiah Denton Wilkins), as hereinafter provided, to order and direct a sale and conveyance of the house and lot of land known as number eighty-two Cedar street, in the city of New York, in which lands and premises the said Nehemiah Denton has a life estate, with remainder to his issue, according to the provisions of the last will and testament of Nehemiah Denton, late of the city of Brooklyn, in the State of New York, deceased, and which land and premises were conveyed to Francis Gross and Henry S. Wilkins, executors, and Janet Van Wyck (late Janet Denton), executrix of the will of Nehemiah Denton, deceased, by deed bearing date the fifth day of March, eighteen hundred and fifty-three.

Certain real estate in New York city, may be sold by order of supreme court.

§ 2. A copy of the petition of the said Thomas Smith, as such committee, with notice of the application for such sale, shall be served on each of the persons in being who have or claim any interest or right in the said lands and premises, and if any of said persons are infants, such service shall also be made upon their guardian; such notice shall be served at least eight days before the presentment of said petition.

Copy of petition to be served upon all parties interested.

§ 3. The court to which such petition shall be presented shall appoint a suitable person as referee, to take the proofs and allegations of the parties in respect of the matters stated in such petition, and to report the same, together with his opinion thereon, to the court.

Referee to be appointed.

§ 4. If an order for such sale of the said land and premises shall be made, the court shall appoint a trustee to make the said sale, and to execute, together with all the issue of the said Nehemiah Denton now in being, either in person or by their legal guardians, if any of them shall be infants, a sufficient deed of conveyance of the said lands and premises. The said order shall also direct that such trustee shall receive and invest the proceeds and avails of said sale, and shall direct the manner of such investment, the application of the income thereof, and the security to be given by such trustee for the faithful discharge of his duties and the safe-keeping of said proceeds; which proceeds shall stand as the representative of the real estate so sold and conveyed, and upon the death of the said Nehemiah Denton, shall be subject to the like dispositions and limitations as under and in virtue of the will of said Nehemiah Denton, deceased, the said real estate would have been if it had remained unsold.

Trustee to be appointed to convey.

Order to direct investment of proceeds, &c.

Proceeds to stand as the real estate.

§ 5. The said trustee shall invest the proceeds of the said sale in bonds or stocks of the United States or of the State of New York, or in bonds and mortgages upon unincumbered real estate within the city of New York, which real estate shall be worth at least double the amount loaned thereon.

Proceeds, how invested.

§ 6. The deed of conveyance which shall be made by the said trustee (or committee), and the issue of said Nehemiah Denton, as provided

Deed, effect of.

in the last preceding section, according to the order of the Supreme Court, shall be valid and effectual to vest in the purchaser or purchasers at such sale an estate in fee simple absolute forever, and shall convey all right, title, interest or claim whatsoever, in and to the said lands and premises of all persons who can or may have any rights or interests under the will of Nehemiah Denton, deceased, or as issue of Nehemiah Denton, formerly Nehemiah Denton Wilkins, or otherwise.

§ 7. This act shall take effect immediately.

Chap. 74.

AN ACT to authorize the city of Elmira to purchase lands for cemetery purposes, and to issue the bonds of the city in payment thereof,

Passed March 23, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

CITY MAY PURCHASE LANDS FOR CEMETERY. SECTION 1. The city of Elmira is hereby authorized and empowered to purchase for cemetery purposes, of Charles Heller, certain lands adjoining Woodlawn cemetery, and not exceeding in amount forty acres.

COMMON COUNCIL MAY ISSUE BONDS. § 2. The common council of said city of Elmira is hereby authorized and empowered to cause the bonds of said city to be duly issued to an amount not exceeding one thousand dollars for each acre purchased as herein above provided, the same to be known as cemetery bonds, for the sole purpose of paying the purchase price of the land aforesaid.

FORM OF BONDS AND WHEN PAYABLE. § 3. Such bonds shall be in such form and payable in such amounts and at such times as the common council of said city of Elmira may direct, and upon annual interest, provided such bonds shall not be sold or disposed of by said common council for less than their par value.

§ 4. This act shall take effect immediately.

Chap. 75.

AN ACT to extend the time for the collection of taxes in the counties of Livingston and Richmond.

Passed March 24, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

COLLECTOR TO RENEW HIS BOND WITHIN TEN DAYS. SECTION 1. If the collector of taxes in any town in the counties of Livingston and Richmond shall within ten days after the passage of this act renew his bond, or give new bonds with sufficient sureties to the satisfaction of the supervisor of the town in a penalty at least double the amount remaining uncollected under his warrant, such approval to be in writing, and upon or attached to said bond, and shall within the same time pay over to the treasurer of the said counties of Livingston and Richmond, respectively, all moneys that shall have been collected by said collector and not heretofore paid over, the time for the collection of taxes in said town and for making return thereof shall be extended until the first day of May next.

§ 2. This act shall take effect immediately.

COLLECTOR TO PAY OVER MONEYS TO COUNTY TREASURER. TIME FOR COLLECTION EXTENDED.

Chap. 76.

AN ACT to amend an act entitled "An act to authorize corporations to change their names," passed April twenty-first, eighteen hundred and seventy.

Passed March 24, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of "An act to authorize corporations to change their names," passed April twenty-first, eighteen hundred and seventy, is hereby amended so as to read as follows:

§ 1. Any incorporation, incorporated company, society or association, organized under the laws of this State, excepting banks, banking associations, trust companies, life, health, accident, marine and fire insurance companies and railroad companies, may apply at any special term of the Supreme Court sitting in the county in which shall be situated its chief business office, for an order to authorize it to assume another corporate name. Corporations may change their names.

§ 2. This act shall take effect immediately.

Chap. 77.

AN ACT to authorize the commissioners of the town of Plainfield, in the county of Otsego, appointed under and by virtue of chapter three hundred and sixty-four of the laws of eighteen hundred and sixty-six, to issue bonds, and with the proceeds thereof to pay the bonds heretofore issued by said town under and by virtue of said act, and now due.

Passed March 24, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The commissioners of the town of Plainfield, in the county of Otsego, appointed under and by virtue of chapter three hundred and sixty-four of the laws of eighteen hundred and sixty-six, are hereby authorized and it shall be lawful for them to borrow, on the faith and credit of their said town, the sum of twelve thousand five hundred dollars for a term not extending beyond the time when the bonds issued under said act were thereby limited, at a rate of interest not exceeding seven per cent. per annum, and to execute bonds therefor under their hands and seals. The bonds so to be executed may be in such sums, and payable at such places and at such times, not exceeding the time hereinbefore limited, and in such form as the said commissioners and their successors may deem expedient. Commissioners may borrow money. Rate of interest. May issue bonds.

§ 2. The said commissioners may, in their discretion, dispose of such bonds or any part thereof to such persons or corporations, and upon such terms as they shall deem most advantageous for their said town, but for not less than par; and the money that shall be raised by the sale of said bonds shall by the said commissioners be applied to the May sell bonds, but not at a rate below par.

payment of the bonds of said town, in the sum of twelve thousand five hundred dollars, heretofore issued under said act, by virtue of said chapter three hundred and sixty-four of the laws of eighteen hundred and sixty-six, and which became due and payable on the first day of February, eighteen hundred and seventy-four.

Bonds,
how gov-
erned.
Duties of
commis-
sioners in
respect
thereof.

§ 3. The bonds so issued shall in all respects be treated and regarded as though originally issued under said act, and shall be governed in all respects by the provisions of said act and the amendments thereto, and the duties of the commissioners of said town in respect thereto shall be the same in all respects as provided by said act, and the acts amendatory thereof.

§ 4. This act shall take effect immediately.

Chap. 78.

AN ACT to amend chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages."

Passed March 25, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The twenty-second and twenty-fifth subdivisions of section one, title three of the act entitled "An act for the incorporation of villages," passed April twentieth, in the year one thousand eight hundred and seventy, are hereby amended so as to read as follows:

Powers of
trustees
defined.

22. To restrain and prevent hawking and peddling in the streets; to regulate, restrain or prohibit sales by auction, and grant licenses to auctioneers; to regulate the use and running of all hacks, public carriages or vehicles for the conveyance of passengers, baggage or movables of any kind, for hire; to designate their places of waiting and to grant licenses to the owners or proprietors thereof.

Trustees,
their pow-
ers to
repair
roads,
build-
ings, &c.

Improve-
ment of
roads,
avenues,
&c.

Assess-
ment of
expenses.

25. To keep the roads, avenues, streets, lanes, public buildings and public places of the village in good order and repair and condition; to construct culverts and drains; to make and repair all bridges which may be necessary within the bounds of the village; to regulate and prescribe the width, line and grade of streets, avenues, lanes and sidewalks; to pave, plank or flag roads, crosswalk or sidewalks; lay out and open new roads and streets; to widen, alter and change the grade or otherwise improve roads, avenues, streets, lanes and sidewalks; to drain stagnant waters, and to raise or fill up low grounds, if nuisance, and assess the expense thereof upon the property benefited, in proportion to the amount of such benefit, and to regulate the water-courses, ponds and watering places in the village; to cause all necessary sewers to be built, and assess the expense thereof upon the property benefited in proportion to the amount of such benefit. The amount of the benefit in any case where the same is made the basis of assessment under this section, shall be determined by the president and trustees; provided, however, that no property beyond the limit of one hundred and seventy-five feet from the line terminus of any such sewer shall be liable to assessment for the expense of building the same; and provided, also, that no sewer shall be constructed under the provisions hereof, except upon a written petition signed by a majority of the persons whose property shall be liable to assessment for the said expense. All assess-

Proviso.

ments for the drainage of stagnant waters, the raising or filling up of low grounds, or the building of sewers under the provisions of this section, shall be enforced and collected in the same manner as assessments for the annual village tax. Assessments for drainage, &c., how enforced.

§ 2. Subdivision thirteen of section three of said chapter is hereby amended so as to read as follows:

13. To construct and maintain reservoirs and cisterns, and supply them with water for use at fires; to protect and preserve property at fires; to establish fire limits, within the corporate bounds, by resolution of the board of trustees, describing the same by metes and boundaries, which resolution shall be filed in the office of the village clerk, and be posted in three public places within the corporate bounds, to prevent fires and provide for their extinguishment. Further powers of trustees.

§ 3. This act shall take effect immediately.

Chap. 79.

AN ACT to legalize and confirm the proceedings of the annual town meeting of the town of Huntington, Suffolk county, held April first, one thousand eight hundred and seventy-three, authorizing the supervisor of said town to offer a certain reward, and to provide for the payment of the same.

Passed March 25, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The proceedings of the annual town meeting held in the town of Huntington, Suffolk county, on the first day of April, one thousand eight hundred and seventy-three, whereby the supervisor of said town was authorized to offer a reward for the recovery of the body of Charles G. Kelsey, in behalf of the town of Huntington, and the subsequent reward offered by said supervisor for such recovery, are hereby legalized and confirmed. And the board of supervisors of the said county of Suffolk is hereby authorized and directed, at its next annual session, to cause to be raised upon the taxable property of the said town of Huntington, in the same manner as other town charges are raised, the sum of seven hundred and fifty dollars for the purpose of paying the said reward, as advertised by the supervisor of said town. Offer of reward legalized. Amount to be assessed upon the town of Huntington.

§ 2. This act shall take effect immediately.

Chap. 80.

AN ACT to authorize a tax for fire purposes in the village of Greene, Chenango county.

Passed March 25, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The trustees of the village of Greene, Chenango county, are hereby empowered to levy a tax of five hundred dollars, for the year

eighteen hundred and seventy-four, in addition to the amount now authorized by law to be raised, to be applied for the payment of present indebtedness and to purchase hose and other apparatus for said village. Said tax shall be assessed and collected as other village taxes are levied and collected, upon the taxable property of said village, and applied only to the purposes herein specified.

§ 2. This act shall take effect immediately.

Chap. 81.

AN ACT to authorize the board of education of the city of Ogdensburgh to borrow money for school purposes.

Passed March 25, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The board of education of the city of Ogdensburgh is hereby authorized to borrow, on the credit of the said board, the sum of three thousand dollars.

§ 2. The money so borrowed shall be deposited with the treasurer of the said board of education, to the credit of the teachers' fund.

Board of
education
to certify
amount.

Amount
so certi-
fied to be
assessed
by com-
mon
council.

§ 3. The said board of education, on or before the first day of May, eighteen hundred and seventy-four, shall certify to the common council of the city of Ogdensburgh the sum of money necessary to be raised for the purpose of paying the said loan and the legal interest thereon; and the said common council, in addition to others* moneys raised in the year eighteen hundred and seventy-four, for school purposes, on the taxable property and corporations in the school district under the charge of the said board of education, shall assess and collect the amount so certified, and the same, when collected, shall be paid to the treasurer of said board, and be by him applied in payment of the said loan and interest.

§ 4. This act shall take effect immediately.

Chap. 82.

AN ACT to repeal chapter five hundred and eighty-eight, laws of eighteen hundred and seventy-three, "An act to establish a commission in and for the city and county of New York, to be known and designated as the commission of charitable correction, and to define its powers and jurisdiction," passed May twenty-two, eighteen hundred and seventy-three.

Passed March 25, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Chapter five hundred and eighty-eight, laws of eighteen hundred and seventy-three, "An act to establish in and for the city and

* So in original.

county of New York a commission, to be known and designated as the commission of charitable correction, and to define its powers and jurisdiction," is hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 83.

AN ACT to amend an act entitled "An act authorizing the town of Leicester, in the county of Livingston, to purchase additional land to enlarge their burying ground near the village of Moscow," passed April twenty-seven, eighteen hundred and sixty-nine.

Passed March 25, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The trustees authorized by and elected under the act hereby amended, shall have full power and authority to sell in perpetuity by certificates of such sale, duly signed by them, such reasonable sized lots or plots of ground as they may select and designate, to individuals or families, residents of said town, to be held by them as such individuals or families, as burial places for their friends and relatives exclusively, and any such conveyances or sales heretofore made by them are hereby declared to be valid. All moneys heretofore received, or hereafter collected and received by the said trustees shall be devoted to the care, support, maintenance and adornment of the whole of such cemetery, and in no case shall be diverted or applied to the improvement or adornment of any particular lot without the consent and approbation, and under the supervision and control of all said trustees.

Trustees of cemetery may sell lots in.

Moneys, how to be applied.

§ 2. The trustees shall expend all moneys which may come to their hands, whether by the sales of lots in such cemetery, or by vote of the town, to be raised and paid over to them for such purposes, by vote of the inhabitants authorized to vote at any town meeting of such town, in the protective care, reparation and adornment of such cemetery, by building a dead-house, laying out, grading and improving roads, walks or avenues therein, and making any and all improvements incident to and necessary for a cemetery.

Care and adornment of cemetery.

§ 3. The trustees shall give and grant to the proprietors of any private burial lot in such cemetery, full privilege to ornament and arrange such lots in such manner and way as they may desire, both as to monuments, trees, shrubs and flowers, subject to the supervision and management of such trustees, so far as regards the grade of such lots and the interference of such ornamentation upon the general interests of such cemetery; this provision, however, to be restricted by the prohibition of the inclosure of single lots, except by either iron or stone fence not exceeding three feet in height, to be built and erected within the bounds of said lot, and under the supervision and subject to the approval of said trustees.

Owners of lots may ornament subject to supervision of trustees.

Restriction as to inclosing lots.

§ 4. This cemetery is declared a public place, subject at all times to a free access by all people, liable, however, to such police rules and regulations as the trustees may make for the preservation of order and the protection of the property under their charge.

Cemetery declared a public place.

§ 5. The trustees may appoint one of their number their secretary and treasurer, to hold such office until duly removed therefrom by their

Trustees may appoint a

secretary
and treas-
urer.
Report.

own action, and it shall be their duty at each town meeting of such town of Leicester, to make and deliver to the supervisor of said town, in writing, a full and perfect report of all their acts and doings, including a full and perfect statement of all their receipts, whether from the sale of lots in said cemetery or from a tax upon the tax-payers of said town, and their expenditures in items, verified by their oath and approved by the town auditors of said town.

§ 6. Any part of the act hereby amended inconsistent with this act is hereby repealed.

§ 7. This act shall take effect immediately.

Chap. 84.

AN ACT to extend the powers of the Ellenville Glass Works, and to authorize the said glass works to borrow money and to secure the same by a mortgage upon all their property, real and personal.

Passed March 27, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corpora-
tion auth-
orized to
borrow
money,
and issue
bonds.

Consent of
stockhold-
ers requi-
site.
Trust
mortgage.

Trustee
named in
mortgage
may fore-
close.

SECTION 1. The Ellenville Glass Works (an incorporation located and doing business at Ellenville, in the county of Ulster) are hereby authorized to borrow money from time to time, as they shall need the same in the conduct of their business, and to issue and dispose of the bonds of such corporation for an amount not to exceed one hundred and fifty thousand dollars, payable at such time or times, and bearing such rate of interest not exceeding seven per cent. per annum, as the trustees of such corporation shall deem best; provided, that the consent in writing of the stockholders representing at least two-thirds of the amount of stock of said company shall first be obtained; and the trustees of the Ellenville Glass Works may make and execute to one or more persons, in trust, a mortgage upon all the real property of the said corporation, and all the tools, fixtures, steam engines and boilers, apparatus, and all personal property which is used by the said corporation in their manufacturing business, to secure the payment of the said bonds issued as herein provided, which mortgage, when issued and recorded in the office of the clerk of the county of Ulster, shall be a lien upon all the said property of said corporation, as above authorized to be mortgaged, until the said bonds shall be fully paid.

§ 2. Whenever any default shall be made in the payment of the moneys secured by the said bonds, or any part thereof, then it shall be lawful for the person or persons named as trustee or trustees in said mortgage to foreclose the said mortgage, and apply the proceeds (after deducting the costs and expenses of such foreclosure) to the payment of such bonds pro rata, except that if such default be in the payment of interest only, then such foreclosure shall not take place unless such interest shall remain due and unpaid for the space of sixty days.

§ 3. This act shall take effect immediately.

Chap. 85.

AN ACT to consolidate the corporations known as The Congregation Anshi Chesed and The Temple Adas Jeshurun into one corporation, to be known as "The Temple Beth-El."

Passed March 27, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The two corporations or religious societies in the city of New York, known as the "The Congregation Anshi Chesed" and "The Temple Adas Jeshurun," are hereby consolidated into and created one body corporate or religious society, under the name and title of "The Temple Beth-El," with the same powers, and subject to the same provisions, as if it had been duly incorporated under the general act of this State relating to religious societies. Corporations united.

§ 2. A general election for trustees of said society shall be held on the fifth day of April next, and until such election shall be had, Simeon Gutman, Simon Herman, Daniel Rindskopf, Nathan Asiel, Bernard Schleestein, Ferdinand Kurzman, Levi Goldenberg, Marcus Berliner, and Jacob M. Stine, shall be the trustees of said society, with all the powers and privileges, and subject to all the provisions contained in the laws of this State, relative to religious societies. Election of trustees to be held. Who to be trustees meantime.

§ 3. The acts of the trustees of the congregations Anshi Chesed and Temple Adas Jeshurun respectively, in relation to the union of the said congregations, and the transfer of their property, real and personal, to the corporation hereby created, are hereby ratified and confirmed; and the said corporation "The Temple Beth-El" is hereby vested with and declared to be seized and possessed of all the estate and property, real and personal, of the said corporations "The Congregation Anshi Chesed" and "The Temple Adas Jeshurun," as fully and effectually as if the same had been duly conveyed by deeds from the said last-named corporations to the said "Temple Beth-El." Acts of trustees ratified. Title to property.

§ 4. Nothing herein contained shall impair the lien of any mortgage, judgment, or other charge, now existing upon the property referred to in the third section hereof, nor the rights of any creditor of either of the congregations hereby consolidated; but all such claims shall be valid, and may be prosecuted against the corporation hereby created, to the same extent as if said debts or liabilities had been contracted or incurred by it. Rights of creditors not affected.

§ 5. Nothing herein contained shall affect any action or proceeding now pending against either of said corporations; but all such actions and proceedings, may, on motion, be continued against the corporation hereby created by its name of "The Temple Beth-El," and such corporation shall be liable to the same extent as was the corporation against which such action or proceeding was first instituted. Pending actions not affected.

§ 6. This act shall take effect immediately.

Chap. 86.

AN ACT to incorporate The Butter and Cheese Exchange of New York.

Passed March 27, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Corpora-
tors.

SECTION 1. The members of The Butter and Cheese Exchange of New York, of which Walter S. Fairfield is president, and Joel D. Hunter, John M. Webb, Mancelia Folsom and R. S. Doty are vice-presidents, and Henry N. Morgan, treasurer, and all persons who shall hereafter be associated with them under the provisions of this act, are hereby created a body corporate under the name of The Butter and Cheese Exchange of New York. The said corporation shall have perpetual succession, with power to sue and be sued, to make and use a common seal, and alter the same at pleasure.

Objects
of corpo-
ration.

§ 2. The objects of said corporation shall be to provide and regulate a suitable room or rooms for an exchange in the city of New York; to foster trade; to protect it against unjust or unlawful exactions; to reform abuses; to diffuse accurate and reliable information; to settle differences between members, and to promote among them good fellowship, and a more enlarged and friendly intercourse. The said corporation shall have power to make and adopt a constitution, by-laws, rules and regulations for the admission, government, suspension and expulsion of its members; the collection of fees and dues; the number and election of its officers, and to define their duties for the safe-keeping of its property and management of its affairs, and, from time to time, alter, modify and change such constitution, by-laws, rules and regulations, provided the same be not contrary to the laws of the State of New York, or of the United States.

Powers of
corporation de-
fined.

§ 3. Said corporation shall have power to acquire, by lease or purchase, a suitable building, library and furniture, for the use of the corporation; to borrow money for such purposes and issue bonds therefor, and to secure the same by mortgage; and generally to acquire and take by gift, purchase, devise and bequest, subject to the provisions of the law relating to devises and bequest, by last will and testament or otherwise, real and personal property to an amount not exceeding five hundred thousand dollars; and to hold, sell, convey, lease and mortgage the same, or any part of such real and personal property, as may be necessary for the objects and carrying into effect the purposes of such corporation.

Affairs, by
whom to
be man-
aged.

§ 4. The property, affairs, business and concerns of the corporation hereby created shall be managed by the president, the four vice-presidents, the treasurer and nine members of the exchange, who together shall constitute an executive committee, to be elected annually at such time and place as may be provided by the by-laws; and the present officers of said exchange, at the time of the passage of this act, shall continue to hold their respective offices as officers of this corporation, with the powers and duties prescribed therein by the constitution and by-laws of said exchange, until their present term of office shall expire and their successors be elected and installed, and in case of any previous vacancy among such officers it shall be filled in the manner prescribed by the constitution and by-laws already adopted by said exchange, or as the same may, in conformity therewith, be altered or amended by this

Present
officers to
hold until
successors
are cho-
sen.

Previous
vacancy,
how filled.

corporation; and the present constitution and by-laws of said exchange shall be the constitution and by-laws of said corporation, until so amended or altered by said corporation. All vacancies which may occur in the said executive committee, by death, resignation or otherwise, shall be filled by said executive committee, and a majority of the members of such executive committee shall constitute a quorum for the transaction of business.

Constitution and by-laws. Vacancies in executive committee, how filled.

§ 5. The executive committee shall annually elect by ballot eight members of the exchange, who shall not be members of the executive committee, and appoint four members of the executive committee, who, together, shall constitute a committee of twelve, to be known and styled the committee of arbitration of the Butter and Cheese Exchange of New York. The members so elected and appointed shall thereupon classify themselves by lot into four classes, of three members each, in such manner that each class shall have one of the four members appointed by the executive committee, who shall be chairman of such class, and each class so designated shall constitute a quarterly committee of arbitration, to serve at such times as provided by the by-laws already adopted by said exchange, or as the same may be altered or amended by this corporation. The executive committee may, at any time, fill any vacancy or vacancies that may occur in said committee, for the remainder of the term in which the same shall happen.

Committee of arbitration.

Members, how classified.

Quarterly committee of arbitration.

§ 6. It shall be the duty of said quarterly committee of arbitration to hear and decide, at the earliest moment, any controversy which may arise between the members of the said corporation, or any person claiming by, through or under them, and as may be voluntarily submitted to said quarterly committee for arbitration; and such members and persons may, by an instrument in writing, signed by them and attested by a subscribing witness, agree to submit to the decision of such committee, any such controversy, which might be the subject of an action at law or in equity, except claims of title to real estate or to any interest therein, and that a judgment of the Supreme Court shall be rendered upon the award made pursuant to such submission.

Duties of committee of arbitration.

Controversies may be submitted to committee of arbitration.

§ 7. Such quarterly committee of arbitration shall have power to appoint a time and place of hearing of any such controversy, and adjourn the same from time to time, as may be necessary, not beyond the day fixed in the by-laws for rendering their award, except by consent of parties; to issue subpoenas for the attendance of witnesses residing or being within the counties of New York, Richmond and Kings. All the provisions contained in title fourteen, part third, chapter eight of the Revised Statutes, and all acts amendatory or in substitution thereof, relating to issuing attachments to compel the attendance of witnesses, shall apply to proceedings had before the said arbitration committee; witnesses so subpoenaed as aforesaid shall be entitled to the fees prescribed by law for witnesses in the courts of record of this State.

May appoint time and place of hearing.

May compel attendance of witnesses by attachment.

§ 8. It shall not be competent for any number less than the full number of said quarterly committee, to hear the proofs and allegations of the parties, and an award by a majority of said quarterly committee shall be deemed the award of the committee of arbitration, and shall be valid and binding on the parties thereto. Such award shall be made in writing, subscribed by the members of the committee concurring therein, and attested by a subscribing witness. Upon filing the submission and award in the office of the clerk of the Supreme Court of the city and county of New York, both duly acknowledged or proved in the same manner as deeds are required to be acknowledged or proved in order to be recorded, a judgment may be entered therein according to the award,

Award, majority of committee may make.

Award must be in writing.

Judgment, how entered upon award.

Term of.

ferry across Lake Champlain, from the land or farm of the said Clark P. Ives and others, at Port Marshall in said town of Ticonderoga, to the town of Orwell, in the State of Vermont, for the term of ten years, to be computed from the passage of this act.

Ferry to be set up within one year.

§ 2. If the said Clark P. Ives, his heirs or assigns, shall set up a ferry as aforesaid within the period of one year from the passage of this act it shall be his and their duty, and he and they are hereby required during the time aforesaid, to keep, maintain and support suitable and safe ferry boats, capable and sufficient for carrying carriages, horses, cattle and passengers, and ready at all reasonable times and seasons to transport and ferry across said lake persons, goods and chattels.

Suitable and safe boats to be provided and kept.

§ 3. The county court of the county of Essex shall and may, and hereby is directed, annually during the continuance of this act, in the month of January to order, direct and determine the several rates of ferriage, and hours of the day that boats shall be kept in readiness belonging to said ferry.

County court to fix rates of ferriage annually.

§ 4. If the said Clark P. Ives, his heirs or assigns, or any ferryman or other person employed by them, shall take, exact or receive any greater or higher rates of ferriage, for transporting goods and chattels, passengers or other property whatsoever, than shall be allowed by the provisions of the next preceding section of this act, the person or persons so offending shall forfeit and pay for every such offense the sum of five dollars, to be recovered with costs of suit, before any justice of the peace within the county of Essex, by the party aggrieved.

Penalty for exacting or receiving illegal ferriage.

§ 5. If any other person or persons shall, within ten years after the passage of this act, set up, keep or maintain any ferry, or shall carry or transport any person, goods or chattels for hire or pay across said lake, from any place on the west side or shore of the same within one mile north or south of the now dwelling house of Charles Stewart, situated on the southeast corner of said farm, every such person or persons shall, for every such offense, forfeit and pay the sum of five dollars, to be recovered with costs of suit before any justice of the peace in the county of Essex, by the party aggrieved; provided, that nothing in this act contained shall be deemed or taken to prevent any person or persons who reside within the limits aforesaid, and adjoining the said lake, from the right of making use of their own boats and transporting themselves and property across the same at their pleasure.

No competing ferry to be set up within one mile.

Persons may use their own boats.

When franchisee forfeited.

§ 6. If at any time hereafter, it shall appear upon sufficient evidence to the county court of the county of Essex, that the said Clark P. Ives, his heirs or assigns, shall willfully and knowingly neglect to comply with the directions or restrictions of this act, in keeping and maintaining the ferry as aforesaid, said court shall adjudge and declare that all the privileges granted to them by virtue thereof, shall cease and be of no effect.

§ 7. This act shall take effect immediately.

Chap. 88.

AN ACT to enable Long Island City to sell real estate.

Passed March 27, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The mayor and common council of Long Island City are hereby authorized and empowered to sell at public or private sale any lots or parcels of real estate, which have been purchased and acquired by said city through the board of water commissioners of said city, for the purposes of a water supply, and which may be deemed not to be immediately necessary for such purpose. Mayor and common council authorized to sell real estate.

§ 2. Such sale or sales may be made, by and under the direction of the said board of water commissioners, by a majority vote of said board, after adoption of a resolution or ordinance of approval of such sale or sales by a two-third vote of the board of alderman* of said city, such resolution or ordinance to be duly approved and signed by the mayor. Sales, by whom and how made.

§ 3. None of said lots or parcels shall be sold at a less price than the proportionate price paid for the same by the city, and accrued interest thereon. Upon due delivery of the deed of conveyance therefor, payment shall be made to the city therefor, by the purchaser or purchasers, either in money or in bonds of Long Island City at par and accrued interest, issued for procuring a water supply for said city, under chapter four hundred and sixty of the laws of the State of New York of eighteen hundred and seventy-one. Price.
Payment, how made.

§ 4. The said lots or parcels of land shall be conveyed to the purchaser or purchasers thereof, in fee simple, by deed or deeds of conveyance of the said city, to be executed and delivered under the common seal of the city and the signature of the mayor; and the consideration received for the same in money, or in bonds as aforesaid, shall be part of the fund for procuring the water supply for said city, and shall be received by the mayor for said city and delivered into the control of the board of water commissioners for the purpose aforesaid, and any of said bonds so received may be sold and negotiated for the purpose aforesaid, the same as if the same had been never before issued or negotiated. Deed, how executed.
Proceeds, how to be disposed of.

§ 5. The certificate of the president of the board of alderman* and of two members of the board of water commissioners, duly signed and acknowledged, shall be conclusive evidence to the purchaser or purchasers of due approval and authorization of the mayor and common council and of the board of water commissioners, under this act, of the sale or sales of such lots or parcels of land, and shall be entitled to be recorded in the same manner as conveyances of real estate. Certificate of president to be evidence.

§ 6. This act shall take effect immediately.

* So in original.

Chap. 89.

AN ACT to amend chapter seventy-one of the laws of eighteen hundred and seventy-four, entitled "An act to amend an act, passed April twenty-sixth, eighteen hundred and sixty-nine, entitled 'An act for the election of a receiver of taxes and assessments for the town of Cortlandt, and village of Peekskill.'"

Passed March 27, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter seventy-one of the laws of eighteen hundred and seventy-four is hereby amended so as to read as follows:

Section two of the act entitled "An act for the election of a receiver of taxes and assessments for the town of Cortlandt and village of Peekskill," passed April twenty-sixth, eighteen hundred and sixty-nine, is hereby amended so as to read as follows:

Receiver of taxes for town of Cortlandt and village of Peekskill to be elected.
Voted for on separate ballot.

Vacancy, how supplied.

§ 2. The said receiver of taxes and assessments shall be elected on the day appointed for the annual town meetings in the several towns of the county of Westchester, in the year eighteen hundred and seventy-four, and at each alternate town election thereafter, except when a vacancy shall occur in said office, in which case such vacancy shall be filled at the next annual town election in said town. Such receiver shall be elected by the electors of the said town of Cortlandt, and shall be voted for on a separate ballot, and the result ascertained and declared in the same manner as in the case of other town officers of said town. Any vacancy in the said office of the receiver of taxes and assessments may be supplied until the election to fill such vacancy and the qualification of the person then elected by a joint board, composed of the supervisor and town clerk of the town of Cortlandt, and the president of the village of Peekskill. Such board shall be convened by the supervisor of the town of Cortlandt, on three days' personal notice of the time and place of meeting.

§ 2. This act shall take effect immediately.

Chap. 90.

AN ACT relating to the court of general sessions in and for the city and county of New York.

Passed March 27, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Clerks may be appointed.
Salaries.

SECTION 1. The clerk of the court of general sessions in and for the city and county of New York shall have power to appoint one deputy clerk as now provided by law, and one assistant clerk, and shall be responsible for the faithful discharge of their duties. The clerk of the court of general sessions shall receive a salary of five thousand dollars per annum, and the deputy clerk shall receive a salary of three thou-

and dollars per annum, and the assistant clerk, appointed by him, shall receive a salary of three thousand dollars per annum, and the comptroller of the city of New York is authorized and directed to pay such clerk, deputy clerk, and assistant clerk such salaries in monthly installments out of the county treasury. The assistant clerk so appointed shall possess the same powers as the deputy clerk of said clerk.

§ 2. All acts and parts of acts inconsistent with the provisions of Repeal. this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 91.

AN ACT for the protection of fish in Queechy lake, in Canaan, Columbia county.

Passed March 27, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be unlawful for any person to fish or to take any fish, by any means whatsoever, out of the waters of Queechy lake, so called, situate in Canaan, in the county of Columbia and State of New York, at any time within three years after the passage of this act. No fish to be taken in three years.

§ 2. It shall be unlawful for any person to fish or to take any fish, by any means whatsoever, out of the waters of said Queechy lake after the term of the said three years shall have expired, except with hook and line. None after except with hook and line.

§ 3. Whoever shall violate any of the provisions of this act shall forfeit for each offense the sum of twenty-five dollars, and in default of the payment of said sum of twenty-five dollars, shall be imprisoned in the county jail for the term not exceeding thirty days. Penalty.

§ 4. Any person may bring and prosecute an action for the recovery of the forfeiture imposed by this act before any justice of the peace in said county of Columbia, and, if judgment be obtained, he shall be entitled to one-half of said penalty; the other half to go to the support of the poor of the town of Canaan. Action, by whom brought.

§ 5. This act shall take effect immediately.

Chap. 92.

AN ACT to authorize the village of Jordan to borrow money upon its corporation notes or bonds, to purchase a steam fire-engine and necessary fire apparatus for the use of said village, and to levy and collect a tax for the payment of the same.

Passed March 27, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of trustees of the village of Jordan, in the county of Onondaga, and State of New York, is hereby authorized and empowered to borrow a sum of money not to exceed three thousand Trustees may borrow money to

purchase
fire en-
gine, &c.
Notes or
bonds
may be
issued.

dollars, for the purpose of purchasing a steam fire-engine and necessary fire apparatus, for the use of said village, and to issue therefor the promissory notes or bonds of said village, signed by the members of the board of trustees, payable in three equal annual installments from and after the year one thousand eight hundred and seventy-four, with annual interest at a rate not exceeding seven per cent. per annum.

Trustees
may levy
an annual
tax to
meet pay-
ments.

§ 2. The said board of trustees of the village of Jordan is hereby further authorized, and it shall be lawful for them, to raise by tax to be levied and collected on the taxable property of the inhabitants of said village of Jordan, the same as the corporation tax of said village is now, or has heretofore been, levied and collected, for the purpose of paying and taking up the said corporation notes or bonds provided for in section one of this act, the annual sum of one thousand dollars, and interest on the said sum of three thousand dollars, or so much thereof as shall remain unpaid at the time of the annual payments, as hereinbefore stated, until the same shall be paid in full, and said corporation notes or bonds shall have all been taken up, paid and discharged.

Vote of
tax-pay-
ers neces-
sary.

§ 3. The loan authorized by the first section of this act shall not be made by the said trustees of the village of Jordan, until after the same shall have been authorized by the affirmative vote of a majority of the tax-payers of said village in the same manner as other moneys are authorized to be raised for village purposes, and to determine said question, a special meeting of the tax-payers of said village may be called by the trustees thereof, by notice published three weeks successively in any newspaper published in said village fixing the time and place of such meeting.

Trustees
may call
special
meeting.

§ 4. This act shall take effect immediately.

Chap. 93.

AN ACT to extend the time for the collection of taxes in the town of Catskill in the county of Greene.

Passed March 27, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The time for the collection of taxes in the town of Catskill, in the county of Greene, is extended to April fifteen, eighteen hundred and seventy-four ; provided, however, that the collector of taxes in the said town, shall pay over all moneys collected by him, and renew his official bond to the satisfaction of the supervisor of said named town, within five days after the passage of this act, so as to insure the faithful performance of his official duties during the extension aforesaid.

§ 2. This act shall take effect immediately.

Chap. 94.

AN ACT to enable Maria Pauss, widow of Frederick Pauss, to take and hold real estate, and to release to her the interest and title to land escheated to the State.

Passed March 27, 1874; by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Maria Pauss, widow of Frederick Pauss, deceased, formerly of the city of New York, is hereby authorized to take, hold and dispose of all lands and real estate situate, lying and being in the city of New York, State of New York, of which the said Frederick Pauss, formerly of said city, died seized, or of which he was the legal or equitable owner at the time of his death, the same in all respects as if the said Maria Pauss was then capable of taking the same as an heir at law. And all the property, interest and title which the People of the State of New York have acquired by escheat, of, in and to said property of the said Frederick Pauss, deceased, are hereby assigned and released to and vested in said Maria Pauss, widow of said Frederick Pauss, and her heirs and assigns forever, to take, hold and dispose of the same in all respects as if she were the lawful heir at law of the said Frederick Pauss, deceased.

Lands released to and vested in Maria Pauss.

§ 2. Nothing in this act contained shall be so construed as to affect the right of any heir, devisee or purchaser, or of any creditor, by mortgage, judgment or otherwise, relating to said real estate.

Construction.

§ 3. This act shall take effect immediately.

Chap. 95.

AN ACT to extend the time for the collection of taxes in the towns of North Hempstead and Oyster Bay, in the county of Queens.

Passed March 27, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for the collection of taxes in the towns of North Hempstead and Oyster Bay, in the county of Queens, is hereby extended to the first of May, eighteen hundred and seventy-four; provided, however, that the collectors of taxes in the said towns shall pay over all money collected by them, and respectively renew their official bonds to the satisfaction of the supervisors of said named towns respectively, within ten days after the passage of this act, so as to insure the faithful performance of their official duties during the extension aforesaid.

§ 2. This act shall take effect immediately.

Chap. 96.

AN ACT to incorporate the Farmers' and Mechanics' Savings Bank, of the village of Medina, county of Orleans.

Passed March 28, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- Corpora-
tors.** SECTION 1. Edmund L. Pitts, Oscar Whedon, William H. Watson, John Le Valley, Dyer B. Abell, William Headley, George C. Cook, Charles A. Baker, Edward Davey, Michael Cooper, Aaron B. Hunt, John M. Kennan, Wilson Tuttle, Joseph A. French and Chancellor Ensign, and their successors, shall be and they are hereby constituted
- Corporate
name.** a body corporate and politic, by the name of Farmers' and Mechanics' Savings Bank, of the village of Medina, and by that name shall have perpetual succession, and may sue and be sued in any of the courts of this State.
- First trust-
tees.** § 2. The persons named in the first section of this act shall be the first trustees of the said corporation, and all vacancies in the office of trustee shall be filled by the board, by ballot, without unnecessary delay, and the vote of a majority of the remaining members of the board shall be necessary to elect a trustee.
- Vacancies, how
filled.**
- Trustees
to manage
business.** § 3. The business of the said corporation shall be managed and directed by said board of trustees, who shall elect from their number a president and two vice-presidents, and may elect such other officers as they may deem expedient; and the vote of a majority of a full board of trustees shall be requisite for the appointment of any officer receiving a salary therefrom, or to fix or to increase the salary of any officer; but no trustee shall at any time be a salaried officer in said savings bank.
- Officers.**
- No com-
pensation
to trust-
tees.** § 4. No person being a trustee, shall, directly or indirectly, receive any pay or emolument for his services, and no trustee, officer or servant of said corporation shall, directly or indirectly, for himself, or as the agent or partner of others, borrow any of the funds of the said corporation, or its deposits, or in any manner use the same, or any part thereof, except to make necessary current payments, or to make investments, or to deposit for safety, under the direction and by authority of the board of trustees; nor shall any trustee, officer or servant of said corporation be an indorser or surety, or in any manner be an obligor, for moneys loaned by or borrowed of the said corporation.
- No trustee, officer
or servant
to borrow
of the cor-
poration.**
- Indorser
and sure-
ty.**
- Quorum.** § 5. A quorum of said board of trustees shall consist of not less than five, of whom the president or one of the vice-presidents shall be one; and it shall be lawful for the trustees, in their by-laws, to provide for a larger quorum; but less than a quorum shall have power to adjourn from time to time, or until the next regular meeting.
- Meetings
of the
board of
trustees.** § 6. A regular meeting of the board of trustees shall be held once in each month, to receive the reports of their officers, and transact such other business as may be necessary; and the trustees may, in their by-laws, provide for calling special meetings; and any trustee omitting to attend the regular meetings of the board for six month, unless previously excused by a vote of the board shall thereby vacate his office as trustee, but may, in the discretion of the board, be eligible to a re-election.
- Non-at-
tendance
of trustee
vacates
office.**

§ 7. The board of trustees of said corporation shall have power, from time to time, to make such by-laws, rules and regulations as they may think proper for the election of officers, for prescribing their respective powers and duties, and the manner of discharging the same, for the appointment and duties of committees, and generally for transacting, managing and directing the affairs of the corporation; provided, such by-laws, rules and regulations are not repugnant to nor inconsistent with the provisions of this act, the Constitution and laws of this State or of the United States.

§ 8. The general business and object of the corporation hereby created shall be to receive on deposit any sum or sums of money that may be offered for that purpose, by any person or persons, or by any religious or charitable corporations or societies, not exceeding the sum of five thousand dollars from each individual or corporation, and to invest the same, and declare, credit and pay dividends or interest thereon, as hereinafter authorized, and not otherwise; and all certificates or other evidences of deposit, made by the proper officer of said corporation, shall be as effectual to bind the corporation as if executed under the common seal thereof.

§ 9. It shall be lawful for the trustees of the corporation to invest the moneys deposited with them, and the gains or profits thereof, only as follows, to wit:

1. In the stocks or bonds, or interest bearing notes or certificates, of the United States.

2. In the stocks or bonds, or evidences of debt bearing interest, of this State.

3. In the stocks or bonds of any city, or county of this State, issued pursuant to the authority of any law of this State, but not exceeding ten per cent. of the assets of the corporation shall consist of city or county bonds.

4. In bonds and mortgages on improved, unincumbered and productive real estate, situate in this State, worth at least twice the amount loaned thereon; but not to exceed fifty per cent. of the assets of the corporation, shall consist of such bonds and mortgages.

5. It shall be lawful for the corporation to purchase, hold and convey real estate only as follows: 1. A lot and banking house requisite for the transaction of its business, and for an income from such portions of the same as are not required for its own use. 2. Such as shall have been purchased at sales upon statute or other foreclosures of mortgages owned by the corporation, or upon judgments or decrees obtained or rendered for debts due to it; and all such real estate as is described in the last preceding clause shall be sold by the trustees within five years after the same shall be vested in the corporation, unless, upon application by the trustees the Superintendent of the Banking Department shall extend the time within which such sales shall be made.

§ 10. In all cases of loans upon real estate, a sufficient bond, or other personal security, shall be required of the borrower, and all the expenses of searches, examinations, and certificates of title or appraisals of value, and of drawing, perfecting and recording papers, shall be paid by such borrower.

§ 11. Whenever buildings are included in the valuation of any real estate, upon which a loan shall be made by said corporation, they shall be insured by the mortgagor for at least two-thirds their value in such company doing business in this State as the trustees shall direct, and the policy of insurance shall be duly assigned to the corporation; and it shall be lawful for said corporation to renew such policy of insurance

By-laws.

Objects of corporation.

Certificates.

Moneys, how invested.

Limitation.

Power to purchase, hold and convey real estate.

Certain real estate must be sold within five years.

Loans upon real estate, how secured.

Insurance.

Renewal of insurance.

Expense of renewals to be paid by mortgagor.

Not lawful for corporation to deal in real estate, &c.

Temporary loans.

Limitation as to sales of securities.

Moneys to be invested as soon as practicable.

Trustees may keep certain amount on deposit.

May make call loans.

Regulations as to payments to depositors.

Alien, minor, or female depositors.

Receipt by, valid.

in the same or in any other company of this State, as they may elect, from year to year, or for a longer or shorter term, in case the mortgagor shall neglect to do so, and may charge the same to him. And all the necessary charges and expenses paid by said corporation for such renewal or renewals shall be paid by such mortgagor to the said corporation, and shall be a lien upon the property so mortgaged until paid.

§ 12. It shall be unlawful for the said corporation, directly or indirectly, to deal or trade in real estate in any other case or for any other purpose than as authorized in the ninth section of this act, or to deal or trade in any goods, wares, merchandise or commodities whatever, except as authorized by the provisions of this act, and except such personal property as may be necessary in the transaction of its business.

§ 13. It shall be lawful for the trustees of the corporation, while awaiting opportunity for the judicious investment of the moneys deposited with them, as authorized and required by this act, to loan the same, or any part thereof, upon the securities mentioned in section nine of this act, subject to the limitation mentioned in said section, but not exceeding ninety per cent. of the cash value of such securities shall be loaned thereon; and should any securities depreciate in value after making a loan thereon it shall be the duty of trustees to require the immediate payment of such loan, or a part thereof, or additional security therefor, so that the amount loaned shall at no time exceed ninety per cent. of the market value of the securities pledged therefor.

§ 14. It shall be the duty of the trustees of said corporation, as soon as practicable, to invest the money deposited with them, and the gains or profit thereof, in the securities named in the ninth section of this act, except an available fund of not exceeding twenty per cent. of the deposits with said corporation, which the trustees may keep to meet current payments, and which may by them be kept on deposit in any bank or banking association organized under any law or laws of this State or of the United States, or with any trust company, incorporated by any law of this State, upon such terms as may be agreed upon; but the sum so kept on deposit in any one bank or trust company shall not exceed twenty per cent. of the capital of such bank or trust company, and shall not exceed twenty-five thousand dollars, or ten per cent. of the whole amount of deposits with this said corporation; or such available fund, or any part thereof, may be loaned by the trustees on call, or on notice not exceeding ten days, upon the securities and in the manner provided in the last preceding section of this act.

§ 15. The sums deposited with the said corporation shall be repaid to the depositors thereof, or their legal representatives, at such times and with such interest and under such regulations as the board of trustees shall, from time to time, prescribe, which regulations shall be put and kept up in some conspicuous place in the room where the business of the corporation shall be transacted, and shall also be printed in the pass-book of each depositor, but shall not be altered so as to affect any deposit previously made.

§ 16. Whenever any deposit shall be made by any person being an alien or minor, or a female, being or thereafter becoming a married woman, the same shall be held for the exclusive right and benefit of such depositor, and free from the control or lien of all persons whatsoever, except creditors, and shall be repaid, together with the dividends or interest thereon, to the person making the deposit, and the receipt or acquittance of such alien, or minor or female shall be a valid and sufficient release and discharge for such deposit to the corporation.

§ 17. In all actions in any court of this state, against the said corporation, by a husband to recover for moneys deposited by his wife in her own name, or as her own money, the wife may be examined and testify as a witness in like manner as if she were an unmarried woman. In all actions against the said corporation to recover for moneys on deposit therewith, if there be any person or persons, whether husband or wife, or otherwise, claiming the same fund, who are not parties to the action, the court in which such action is pending shall, on the petition of said corporation, and upon five days' notice to the plaintiff and such claimants, make an order amending the proceedings in said action, by making such claimants parties defendant thereto; and the said court shall thereupon proceed to hear and determine the rights and interests of the several parties to said action in and to said funds. The said funds or deposits, which are the subject of the said action, may in the discretion of the court remain with said corporation at the same rate of interest as other deposits of the same class, to the credit of the action, until final judgment therein, and the same shall be paid by said corporation in accordance with the provisions of said final judgment. The question of costs in the actions referred to in this section shall, in all cases, be in the discretion of the court.

In actions by husband, wife may be witness.

In actions, persons not parties claiming the fund, may be made parties defendant.

Funds to remain meantime to the credit of the action.

§ 18. It shall be the duty of the trustees of the said corporation to regulate the rate of interest to be allowed to the depositors in such manner that they shall receive, as nearly as may be, all the profits of the said corporation, after deducting necessary expenses, and reserving such amount as the trustees may deem expedient or desirable as a surplus fund, which, to the amount of ten per cent. of their deposits, the trustees of said corporation are hereby authorized gradually to accumulate and hold, to meet any contingency or loss in its business; provided, however, that it shall be lawful for the trustees to classify their depositors according to the extent or duration or character of their dealings with the said corporation, and to regulate the rate of interest in such manner that each depositor shall receive a ratable proportion of interest with all others of the same class.

Rate of interest to depositors.

Surplus fund.

Depositors may be classified.

§ 19. The said corporation shall every year, make reports to the Superintendent of the Bank Department, as required by law, and in such form as he shall prescribe, and the books of the said corporation shall, at all times during business hours, be open to the inspection of the Superintendent of the Bank Department, or of such other person as the Superintendent or the legislature may appoint as his or their agent for that purpose. Whenever any agent shall be appointed to make any such examination, he shall be paid for his services by such corporation such sum as the Superintendent of the Bank Department shall certify to be just and reasonable.

Reports to superintendent of bank department.

Agent to be paid.

§ 20. The Supreme Court may, at any time, on the application of any trustee or depositor in said savings institution, and on reasonable cause shown therefor to the satisfaction of said court, appoint one or more persons to examine into the investments of said savings institution and its affairs and business generally. The books, papers and business of said savings institution shall be open and subject to the examination of such person or persons, and the trustees, officers and clerks thereof, or any other person, may be examined on oath by such person or persons; and the same court may confer such further powers on the person or persons so appointed as they may consider necessary for the more thorough and perfect examination of the affairs and business of said corporation. The said person or persons so appointed shall report the result of their investigations to the said court, which, if satisfied thereby

Supreme court may appoint persons to examine affairs.

Books and papers to be open to such persons.

Further powers.

Officer, trustee, or servant

that any officer, trustee or servant of said corporation has been guilty of any fraud or misconduct, may remove such person or persons, and make such further order and take such further measures for securing the funds and property of said corporation as the said court shall deem expedient.

§ 21. The misnomer of said corporation in any instrument shall not vitiate or impair the same if it be sufficiently described to ascertain the intention of the parties.

§ 22. The corporation hereby created shall be subject to the provisions of the eighteenth chapter of the first part of the Revised Statutes, and all other general laws affecting savings institutions, so far as the same are applicable; and this act may be repealed, or altered or amended, at any time hereafter.

§ 23. This act shall take effect immediately.

Chap. 97.

AN ACT to authorize the change of the name of the "Sixpenny Savings Bank of the city of New York" to "The City Savings Bank of New York."

Passed March 28, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of trustees of the "Sixpenny Savings Bank of the city of New York," incorporated under an act entitled "An act to incorporate the Sixpenny Savings Bank of the city of New York," passed June fourth, one thousand eight hundred and fifty-three, is hereby authorized to change the name of said savings bank to "The City Savings Bank of New York," by a resolution to be incorporated in its by-laws, and filing a copy of the same with the Superintendent of the Banking Department.

§ 2. All actions, proceedings and remedies by said bank may be had, commenced and continued in said new name, and all actions, proceedings and remedies shall be commenced against said bank by its new name; and under its new name it shall be entitled to such rights and privileges as are given by the laws of this State to any savings bank in the city of New York, and be subject to such restrictions and provisions as are imposed by any general act applicable to savings banks in said city.

§ 3. This act shall take effect immediately.

Chap. 98.

AN ACT to amend "An act supplementary to and amendatory of an act in relation to a public park in the city of Albany," passed February sixteen, eighteen hundred and seventy-two, and the "Act in relation to the Washington Park of the city of Albany," passed March eleven, eighteen hundred and seventy-three.

Passed March 28, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections five, six, seven, eight, nine, ten, eleven, twelve and thirteen of the said "Act supplementary to and amendatory of an act in relation to a public park in the city of Albany," passed May fifth, eighteen hundred and sixty-nine, and the acts supplementary thereto and amendatory thereof, passed February sixteen, eighteen hundred and seventy-two, and sections three, five, six and seven of "An act in relation to the Washington Park of the city of Albany," passed March eleven, eighteen hundred and seventy-three, are hereby repealed.

§ 2. Section fourteen of said act of February sixteen, eighteen hundred and seventy-two, is hereby amended so as to read as follows:

§ 14. The cost and expenses of acquiring title to any lands purchased at public or private sale by the park commissioners, or taken by proceedings as aforesaid, the amount of the bonds heretofore issued under and by virtue of section five of the acts in relation to Washington Park, of the city of Albany, passed March eleventh, one thousand eight hundred and seventy-three, together with the interest thereon from date, together with the expenses of the assessments heretofore made, shall be assessed upon the city at large and paid in the manner following: The amount thereof shall be included in a written statement, signed by the treasurer of the said park commissioners, and shall be by him transmitted to the clerk of the common council of said city of Albany forthwith, and at the first meeting of such council after such statement shall have been received by its clerk, such common council shall make provision for the payment of the same by the issuing of the bonds of the said city, in such form and name, and in such amounts as the said common council shall at such meeting determine and direct. Such bonds shall be at once prepared under the direction of the mayor, and when prepared shall be signed by him and the chamberlain of the city, and the same shall be sold by the chamberlain at not less than par, and the moneys realized by their sale shall be by said chamberlain at once transferred to the park commissioners through their treasurer. Said bonds shall be payable in not less than forty, nor more than fifty years from the date of issue thereof, and shall bear interest at the rate of not more than seven per cent. per annum, payable semi-annually in each year, in the city of Albany or New York. And the proceeds of said bonds shall constitute a fund, to be held by the treasurer of the said board of park commissioners for the payment of the amount included in the written statement above provided for. The said common council shall create a sinking fund for the payment of said bonds within the time limited. Such sinking fund shall be raised by general tax annually, and shall not be less than one per centum of the amount of such bonds,

Repeal.

Assessment upon the city at large.

How paid.

Bonds to be issued.

When prepared and by whom signed.

Bonds, when payable. Rate of interest.

Proceeds to constitute a fund.

Sinking fund, how raised and amount.

To be paid to treasurer of park commissioners.

Sinking fund to be invested. Repeal.

Former assessment to be repaid.

besides the interest on the whole amount of said bonds which shall be due at any time during the year. Such sinking fund and interest shall be paid by the chamberlain of said city to the treasurer of said board of park commissioners, who shall therefrom pay the interest on said bonds, from time to time, as the same shall accrue. The sinking fund shall be securely invested by the said treasurer, under the direction of said board of park commissioners, for the purpose of paying said bonds as they shall become due. All acts and parts of acts inconsistent with the provisions of this section are repealed.

§ 3. Immediately upon the passage of this act, the treasurer of the park commissioners is hereby required to give notice three times in the official papers of the city, stating a time and place when and where he will be prepared to repay to such persons as have heretofore paid the amount of their payment on account of the assessment levied upon their property for the taking of the Knox street property (so called) for park purposes, and at such time and place the treasurer or his clerk shall attend, and shall repay to such persons the amount they had heretofore paid on such assessment.

§ 4. This act shall take effect immediately.

Chap. 99.

AN ACT to amend an act entitled "An act to amend and consolidate the several acts relating to the public schools of the city of Auburn," passed March four,* eighteen hundred and seventy-one.

Passed March 31, 1874; three-fifths being present. "

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section nineteen of the act entitled "An act to amend and consolidate the several acts relating to the public schools of the city of Auburn," passed March fourth,* one thousand eight hundred and seventy-one, is hereby amended so as to read as follows:

All school moneys to be paid to city treasurer.

To be kept separate from other moneys.

Depository to be designated by board of education.

Order, by whom signed, and what to specify.

Report.

§ 19. All moneys levied and raised for the support of public schools *together with the public schools, together with the public moneys received from the State, and all moneys received from other sources belonging to the school fund, shall be paid to the treasurer and tax receiver of the city of Auburn in trust, and shall by him be kept separate and deposited separate and distinct from other moneys, and known and distinguished as public school fund, and the same as received by said treasurer and tax receiver shall be forthwith deposited by him in such depository as shall from time to time be designated by resolution of the board of education, and the same shall be drawn and paid out by said treasurer and tax receiver, only upon an order drawn upon him and signed by the president and countersigned by the secretary of said board of education. Such order shall specify for what purpose the amount specified therein shall be paid, and the secretary of such board shall keep an accurate account, under the appropriate heads of expenditures, of all orders drawn on the treasurer and tax receiver in a book to be kept by him for that purpose, and shall report at each monthly meeting to the board the amount of such orders drawn from the commencement

of the fiscal year to the date of such report, and the treasurer and tax receiver shall also report at each regular monthly meeting of said board, the condition of the public school fund so in his hands, and on deposit as aforesaid. In case said treasurer and tax receiver shall at any time neglect or refuse to deposit such moneys or any part thereof as hereinbefore provided, or shall, within twenty-four hours after notice of the resolution of such board of education, designating such depository, neglect or refuse to so deposit any and all moneys heretofore received by him on account of moneys heretofore levied and raised or otherwise received by him for the support of public schools and not duly expended by him by order of the board of education as aforesaid, or shall, at any time, transfer or divert any part of the school moneys so in his hands or on deposit as aforesaid to any other purpose than the payment of the orders drawn by said board of education, it shall be the duty of said board immediately to commence suit in the Supreme Court of this State against such treasurer and tax receiver and his sureties for the recovery of the sum so transferred or diverted, and double taxable costs shall be allowed against such treasurer and tax receiver and his sureties, upon recovery of any sum against them, and such treasurer and tax receiver and his sureties are hereby declared to be liable on their official bonds for any default, delinquency, neglect or misconduct in relation to the trust created by this act. And the said treasurer and tax receiver shall, for each and every willful violation of either of the provisions of this section, be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine not exceeding five hundred dollars, or to an imprisonment in the county jail for a period not exceeding six months, or to both such fine and imprisonment, in the discretion of the court before which such conviction shall be had. The board of education shall require from any depository designated by them for the deposit of such school moneys, a bond in such amounts and with such sureties as shall be approved by the president of the board of education for the safe-keeping of such school moneys, and the payment of the same as required upon the orders of the said treasurer and tax receiver, and which said bond shall be renewed whenever required by said board of education. Such bond shall be made payable to the mayor and common council of the city of Auburn, and filed in the office of the clerk of said city, and suit shall be brought thereon by said mayor and common council for any deficiency in complying with any of the conditions thereof, whenever requested by resolution of said board of education.

Treasurer and his sureties liable for neglect or refusal to deposit, or for diversion of school moneys.

Misdemeanor.

Penalty.

Depository to give bond.

Bond to be filed.

Suit thereon.

§ 2. This act shall take effect immediately.

Chap. 100.

AN ACT providing for the appointment of additional notaries public.

Passed March 31, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Governor is hereby authorized and empowered, by and with the consent of the Senate, to appoint in each county, notaries public equal to ten for each Assembly district, in addition to the number now provided by law; provided, however, that in each county

which is a single assembly district, the additional number of notaries public be fifteen.

§ 2. This act shall take effect immediately.

Chap. 101.

AN ACT in relation to the village of Hempstead in the county of Queens.

Passed March 31, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Annual election for village officers, when held. Notice of all elections to be given by trustees.

Trustees, their duties.

Certificate.

When and where filed.

Special elections.

Expenditure of money.

SECTION 1. The annual election for village officers of the village of Hempstead, in the county of Queens, shall be held on the first Tuesday of March in each year, from the hour of twelve o'clock noon, until the hour of seven o'clock in the evening, during all which time the polls shall be open. Notices of all elections, specifying the officers to be elected, shall be given by the board of trustees at least eight days before such elections, by posting the same in at least six public and conspicuous places in the village, and by publishing the same in all the newspapers, if any, in said village, in which notices shall be designated the place in the village where the polls will be held, the day and hours of holding the elections, and the officers to be chosen. The trustees of said village shall act as inspectors of all elections under this act, and it shall be the duty of all such trustees to attend for that purpose; but an election held before a majority of them shall be valid. Immediately after closing the polls, the inspectors shall canvass the votes taken at such election, shall openly declare the result, and shall make and subscribe a certificate of the canvass, which shall show the whole number of votes cast, and the number given for each person voted for. The persons eligible and having the greatest number of votes shall be declared duly elected. The certificate shall be filed with the clerk of the board of trustees within two days after the election, and remain a public record of the village.

§ 2. All special elections shall be held under the same rules and regulations, and during the same hours as fixed for holding the annual elections. But no question involving the expenditure of money, or the alienation of property shall be introduced after two o'clock in the afternoon of the same day, or without ten days' public notice of the contemplated expenditure or alienation.

§ 3. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 102.

AN ACT to amend an act entitled "An act to provide for the appointment of commissioners of deeds in the village of Waterford."

Passed March 31, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The first section of the act entitled "An act to provide for the appointment of commissioners of deeds in the village of Waterford," passed March thirty-first, eighteen hundred and fifty-nine, is hereby amended, so that said section shall read as follows, viz.:

§ 1. There shall be appointed, in and for the village of Waterford, not exceeding seven commissioners of deeds, who shall possess the same powers in the county of Saratoga as are conferred by law upon commissioners of deeds for cities, and be entitled to the same fees for services performed by them.

§ 2. This act shall take effect immediately.

Chap. 103.

AN ACT to incorporate the Evangelical Lutheran Ministerium of the State of New York and adjacent states and countries.

Passed March 31, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Reverend G. F. Krotel, D.D., the Reverend C. H. Thomsen, the Reverend A. Wetzel, the Reverend C. Voltz, the Reverend F. Von Rosenberg, the Reverend E. H. Moldehuke, D.D., the Reverend H. Raegner, the Reverend Robert Neuman, and such other persons as are now associated, or may hereafter associate with them, and their successors, are hereby constituted a body corporate and politic, by the name and style of "The Evangelical Lutheran Ministerium of the State of New York and adjacent states and countries," and by that name they and their successors shall be capable of suing and being sued in any court whatever, and shall have and use a common seal, which they may alter and change at pleasure.

§ 2. It shall be lawful for the regular members of said ministerium, at its regular constitutional meetings, to select and appoint such officers, and to make and ordain such by-laws and regulations in relation to the management and disposition of their real and personal estate, the duties of their officers and members, and the management of their corporate affairs, as they shall deem proper, provided such by-laws and regulations are not inconsistent with the Constitution and laws of this State or of the United States.

§ 3. The said corporation shall have power to hold in trust deeds of church property, and deeds of other beneficent, educational or publishing institutions, and of taking, holding and receiving any property, real, personal or mixed, by virtue of any devise, bequest, grant or purchase.

property
by grant,
devise or
bequest-
May sell
and con-
vey.

chase, subject to the restrictions and limitations of existing laws; provided the annual income of such property shall not exceed the sum of one hundred thousand dollars, and that the same shall be appropriated to religious, charitable, missionary, or educational purposes, and to sell, deed and convey any real or personal property when necessary to serve the purposes of the corporation.

§ 4. The officers of said corporation shall hold over until their successors are elected and qualified, and shall exercise such powers and perform such duties as shall be authorized by the by-laws of said corporation.

§ 5. This act shall take effect immediately.

Chap. 104.

AN ACT to amend an act entitled "An act to establish a department of police in the city of Buffalo, and to provide for the government thereof," passed April twenty-six, eighteen hundred and seventy-one.

Passed March 31, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of "An act to establish a department of police in the city of Buffalo, and to provide for the government thereof," passed April twenty-six, eighteen hundred and seventy-one, is hereby amended so as to read as follows:

Board of
police to
divide the
city into
precincts.

§ 7. After the drawing provided for in the next preceding section, and before the first day of May next after the passage of this act, the said board of police shall proceed to divide the city of Buffalo into precincts, not exceeding eight in number, and may, at any time thereafter as they may deem necessary, increase or diminish the number of such precincts so that they shall not, at any time, be more than eight nor less than five in number. The said board of police shall assign to each of said precincts one captain of police, sergeants of police not exceeding two, doormen of police not exceeding two, and so many patrolmen as they may, from time to time, deem necessary. The said board of police shall appoint the police force mentioned in section two of the act of one thousand eight hundred and seventy-one, hereby amended, and shall fill all vacancies from time to time occurring therein; and the said force shall, at all times, consist of one superintendent of police, captains of police not exceeding in number the number of precincts into which the city shall at any time be divided, sergeants of police and doormen of police not exceeding in number two sergeants and two doormen for each of said precincts, one surgeon of police, one clerk of said board, and so many patrolmen as they shall, from time to time, deem necessary, not exceeding the number of one hundred and forty, unless the common council of the city of Buffalo shall, at any time, by resolution, authorize an increase in such number, in which case the board may appoint additional patrolmen to the number so authorized by said common council. The said board may also appoint, in addition to such police force, such additional clerks and employees as are necessary in administering the affairs of said department. The superintendent shall detail for detective duty during his pleasure, so many patrolmen as the said

Board to
appoint
police
force.

Police
force,
what it
shall con-
sist of.

Common
council
may auth-
orize an
increase.

Employ-
ees.

Detect-
ives.

board shall, from time to time, direct, not exceeding ten in number, and the patrolmen so detailed shall compose the detectives of the force; and while so detailed each of said patrolmen shall receive, in addition to his salary as patrolman, compensation at the rate of three hundred dollars a year. The superintendent of police shall nominate, and the board of police shall appoint from among the patrolmen detailed as detectives, one assistant superintendent of police, who shall be removable as such assistant superintendent of police, at the pleasure of the superintendent of police or the board of police. During the sickness, absence or inability of the superintendent of police, the assistant superintendent of police shall possess the powers and perform the duties of the superintendent of police. The board of police shall make suitable provisions respecting security to be given by the assistant superintendent of police, and he shall receive in addition to his salary as detective compensation at the rate of three hundred dollars per year. No person holding office under this act shall be liable to military duty, or to arrest in civil process.

Additional compensation. Assistant superintendent.

His powers and duties.

Security to be given by assistant superintendent.

§ 2. This act shall take effect immediately.

Chap. 105.

AN ACT to amend an act entitled "An act to authorize the city and town of Binghamton to purchase the two toll-bridges across the Susquehanna river at Binghamton, and to maintain them as free bridges," passed April fifteenth, eighteen hundred and sixty-nine.

Passed March 31, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of chapter two hundred of the laws of eighteen hundred and sixty-nine, entitled "An act to authorize the city and town of Binghamton to purchase the two toll-bridges across the Susquehanna river at Binghamton, and to maintain them as free bridges," is hereby amended so as to read as follows:

§ 4. From and after the purchase of said bridges, the same shall be under the charge and supervision of the mayor of said city and the supervisor of said town, and it shall be their duty to maintain and rebuild when necessary, and continue said bridges, and keep them open and in good repair for public convenience, and the expenses incurred by them in so doing shall be presented by them in each year to the board of supervisors of said county, and said board shall cause them to be collected of said city and town in the proportion and manner named in the second section of this act for the collection of taxes for the payment of principal and interest of the bonds in said section mentioned, and paid over to said treasurer for said mayor and supervisor. Whenever it shall become necessary to rebuild either of said bridges, the said mayor and supervisor are hereby authorized to agree what part of the amount required for such purpose shall be raised by direct tax, and what amount thereof shall be borrowed upon the credit of said town and city. But they are hereby directed to submit the question of collecting such tax and the issuing of such bonds to a vote of the tax-payers of said town and city, in manner following: They shall

Bridges to be under supervision of mayor and supervisor.

Expenses of rebuilding and repairing, how collected.

Mayor and supervisor to agree what part of cost defrayed by direct tax and what part borrowed.

property
by grant,
devise or
bequest.

May sell
and con-
vey.

chase, subject to the restrictions and limitations of existing laws; provided the annual income of such property shall not exceed the sum of one hundred thousand dollars, and that the same shall be appropriated to religious, charitable, missionary, or educational purposes, and to sell, deed and convey any real or personal property when necessary to serve the purposes of the corporation.

§ 4. The officers of said corporation shall hold over until their successors are elected and qualified, and shall exercise such powers and perform such duties as shall be authorized by the by-laws of said corporation.

§ 5. This act shall take effect immediately.

Chap. 104.

AN ACT to amend an act entitled "An act to establish a department of police in the city of Buffalo, and to provide for the government thereof," passed April twenty-six, eighteen hundred and seventy-one.

Passed March 31, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of "An act to establish a department of police in the city of Buffalo, and to provide for the government thereof," passed April twenty-six, eighteen hundred and seventy-one, is hereby amended so as to read as follows:

Board of
police to
divide the
city into
precincts.

§ 7. After the drawing provided for in the next preceding section, and before the first day of May next after the passage of this act, the said board of police shall proceed to divide the city of Buffalo into precincts, not exceeding eight in number, and may, at any time thereafter as they may deem necessary, increase or diminish the number of such precincts so that they shall not, at any time, be more than eight nor less than five in number. The said board of police shall assign to each of said precincts one captain of police, sergeants of police not exceeding two, doormen of police not exceeding two, and so many patrolmen as they may, from time to time, deem necessary. The said board of police shall appoint the police force mentioned in section two of the act of one thousand eight hundred and seventy-one, hereby amended, and shall fill all vacancies from time to time occurring therein; and the said force shall, at all times, consist of one superintendent of police, captains of police not exceeding in number the number of precincts into which the city shall at any time be divided, sergeants of police and doormen of police not exceeding in number two sergeants and two doormen for each of said precincts, one surgeon of police, one clerk of said board, and so many patrolmen as they shall, from time to time, deem necessary, not exceeding the number of one hundred and forty, unless the common council of the city of Buffalo shall, at any time, by resolution, authorize an increase in such number, in which case the board may appoint additional patrolmen to the number so authorized by said common council. The said board may also appoint, in addition to such police force, such additional clerks and employees as are necessary in administering the affairs of said department. The superintendent shall detail for detective duty during his pleasure, so many patrolmen as the said

Board to
appoint
police
force.

Police
force,
what it
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sist of.

Common
council
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orize an
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Emple-
ees.

Detect-
ives.

board shall, from time to time, direct, not exceeding ten in number, and the patrolmen so detailed shall compose the detectives of the force; and while so detailed each of said patrolmen shall receive, in addition to his salary as patrolman, compensation at the rate of three hundred dollars a year. The superintendent of police shall nominate, and the board of police shall appoint from among the patrolmen detailed as detectives, one assistant superintendent of police, who shall be removable as such assistant superintendent of police, at the pleasure of the superintendent of police or the board of police. During the sickness, absence or inability of the superintendent of police, the assistant superintendent of police shall possess the powers and perform the duties of the superintendent of police. The board of police shall make suitable provisions respecting security to be given by the assistant superintendent of police, and he shall receive in addition to his salary as detective compensation at the rate of three hundred dollars per year. No person holding office under this act shall be liable to military duty, or to arrest in civil process.

Additional compensation. Assistant superintendent.

His powers and duties.

Security to be given by assistant superintendent.

§ 2. This act shall take effect immediately.

Chap. 105.

AN ACT to amend an act entitled "An act to authorize the city and town of Binghamton to purchase the two toll-bridges across the Susquehanna river at Binghamton, and to maintain them as free bridges," passed April fifteenth, eighteen hundred and sixty-nine.

Passed March 31, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section four of chapter two hundred of the laws of eighteen hundred and sixty-nine, entitled "An act to authorize the city and town of Binghamton to purchase the two toll-bridges across the Susquehanna river at Binghamton, and to maintain them as free bridges," is hereby amended so as to read as follows :

§ 4. From and after the purchase of said bridges, the same shall be under the charge and supervision of the mayor of said city and the supervisor of said town, and it shall be their duty to maintain and rebuild when necessary, and continue said bridges, and keep them open and in good repair for public convenience, and the expenses incurred by them in so doing shall be presented by them in each year to the board of supervisors of said county, and said board shall cause them to be collected of said city and town in the proportion and manner named in the second section of this act for the collection of taxes for the payment of principal and interest of the bonds in said section mentioned, and paid over to said treasurer for said mayor and supervisor. Whenever it shall become necessary to rebuild either of said bridges, the said mayor and supervisor are hereby authorized to agree what part of the amount required for such purpose shall be raised by direct tax, and what amount thereof shall be borrowed upon the credit of said town and city. But they are hereby directed to submit the question of collecting such tax and the issuing of such bonds to a vote of the tax-payers of said town and city, in manner following: They shall

Bridges to be under supervision of mayor and supervisor.

Expenses of rebuilding and repairing, how collected.

Mayor and supervisor to agree what part of cost defrayed by direct tax and what part borrowed.

certify, under their hands, the whole amount required to rebuild such bridge, what part of said amount should, in their judgment, be raised by direct tax, and what part thereof should be borrowed upon the faith of said town and city. They shall also designate a day, not less than two weeks from the first publication of their certificate as hereinafter provided, for an election at such place as they may designate, to decide whether the said bridge shall be rebuilt, and the tax collected, and the bonds created to provide the funds necessary for the purpose. Such certificate and notice shall be published in all the daily papers printed in the city of Binghamton, at least ten consecutive days, Sundays excluded, before said election is held. One of the inspectors of the town of Binghamton, and one of the ward inspectors of the city of Binghamton, shall be chosen by said mayor and supervisor to receive and count the votes given at said election, and to certify the result to said mayor and supervisor. Every tax-paying citizen whose name appears upon the last tax roll, previous to said election, and none others shall be entitled to vote thereat. The ballots given at said election shall be written or printed, "For special tax and bonds," and "Against special tax and bonds." The polls shall be open from nine o'clock A. M. to four o'clock P. M., and immediately after the closing of the polls, two certificates of the result, signed by said inspectors, shall be, as soon as possible, placed in the hands of said mayor and supervisor respectively, and if it shall appear that there is a majority of ballots for "Special tax and bonds," the said mayor and supervisor shall have power and are hereby authorized to borrow the amount designated to be raised upon the faith of said town and city, upon such terms of credit not exceeding five years, and at a rate of interest not exceeding seven per cent. per annum, as shall seem to them best for the interests of said city and town, which sum they shall apply to the rebuilding of said bridge or bridges, and for no other use. As security for such sum as they may borrow, said mayor and supervisor are hereby authorized to execute and deliver bonds or certificates of indebtedness, signed by them officially, which shall be made payable in such amounts, and at such respective times as they may deem best, not exceeding five years from the first day of February following the time of their execution and delivery; and said bonds or certificates of indebtedness shall in no case be sold or negotiated by said mayor and supervisor, or either of them, at less than their par value and accrued interest, and they shall be a valid lien against said city and town.

It shall be the duty of said mayor and supervisor to present to the board of supervisors of Broome county, at their first annual meeting after the delivery of any of said bonds, a statement of the amounts, dates, and numbers thereof, and said bonds, and the interest thereon, shall be paid by said city and town in proportion to the taxable property thereof, respectively, as shall appear from the latest equalized assessment rolls of said city and town, and it shall be the duty of the said board of supervisors to cause to be levied and collected from said city and town, respectively, in each year, in the same manner as other taxes are collected, such portion of said bonds and interest as shall become due on the first day of February next following. And the amount to be raised by tax shall be certified by said mayor and supervisor to the board of supervisors of the county of Broome; and the said board shall levy and collect the same in the manner hereinbefore provided for the payment of repairs and collection of principal and interest of bonds mentioned in the second section of this act. It is further provided that whenever the bridge known as the "Rock-Bottom

Day for election to be designated.

Certificate and notice to be published.

Inspectors.

Qualification of voters. Ballots, form of.

Mayor and supervisor may borrow money.

Rate of interest.

Bonds, when payable.

Not to be negotiated at less than par.

Mayor and supervisor to report to board.

Bonds to be paid by city and town.

Amount to be raised by tax, to be certified. Board to collect the same. Location of Rock-Bottom

Bridge" needs rebuilding, the question of the location of said bridge shall also be submitted to a vote of the tax-payers as hereinbefore provided for the raising of money by taxation and the issuing of bonds. At the same time and place a separate ballot box shall be provided in which shall be deposited ballots written or printed as follows: "Present site," or "Foot of Carroll street," or "Foot of Exchange street." The same persons hereinbefore designated, shall be entitled to vote, and the same certificate hereinbefore required shall be made, and it shall be the duty of said mayor and supervisor to build said bridge upon the site designated by the greatest number of votes given at said election. It is further provided, that no change shall be made in the location of the Susquehanna bridge, but such Susquehanna bridge shall be maintained, and in case of necessity rebuilt upon its present site. Said bridges shall always be free for public use, and shall be maintained by said city and town.

bridge to be fixed by vote.

No change of location of Susquehanna bridge.

§ 2. This act shall take effect immediately.

Chap. 106.

AN ACT to amend an act entitled "An act to authorize the trustees of the village of Kinderhook to borrow money, to be expended in the purchase of a lot of ground and the erection thereon of a suitable building, adapted to the purposes of a public hall, and a room for a fire-engine, for the use of said village," passed April twenty-ninth, eighteen hundred and seventy-three.

Passed April 1, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter three hundred and seventeen of the laws of eighteen hundred and seventy-three is hereby amended so as to read as follows:

§ 1. It shall be lawful for the corporation known as "The trustees of the village of Kinderhook" to borrow, from time to time, the sum of eight thousand dollars in the aggregate, and to give therefor the notes or bonds of the said corporation, signed by the president and treasurer thereof, to be paid in annual payments of one thousand dollars with annual interest, and such additional sum as a majority of the taxable inhabitants of said village at an annual meeting may vote and determine; provided such additional sum shall not exceed one thousand dollars and annual interest.

Trustees authorized to borrow money and issue notes or bonds.

Proviso.

§ 2. Section two of said act is hereby amended so as to read as follows:

§ 2. The said eight thousand dollars, or so much thereof as may be necessary, shall be expended by the said corporation in the purchase of a lot of ground in the village of Kinderhook and the erection thereon of a suitable two-story brick building for a public hall, a room for a fire-engine, a room for a hook and ladder truck and such other rooms as the trustees of the said village may deem necessary for the use and benefit of said village.

Lot to be purchased and public hall erected.

§ 3. Section third of said act is hereby amended so as to read as follows:

Annual
tax for
payment
of notes
or bonds.

§ 3. It shall be the duty of said corporation to raise annually by tax, as other moneys are assessed and collected in said village for public purposes, one thousand dollars and so much additional (not exceeding one thousand dollars) as may have been voted by a majority of the taxable inhabitants at an annual meeting, together with an amount in addition equal to the interest on such of said notes or bonds as remain unpaid, and pay the principal and interest of the ones that shall be due and the interest upon such as remain unpaid, until all of such notes or bonds shall be paid.

§ 4. This act shall take effect immediately.

Chap. 107.

AN ACT to amend the charter of the village of Potsdam.

Passed April 2, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The trustees of the village of Potsdam are hereby authorized to expend in the purchase of motive power and a machine for crushing stone, a sum not exceeding two thousand and five hundred dollars, and to borrow money to pay therefor.

§ 2. To defray the expense of such purchase and repay any money borrowed therefor, the said trustees are authorized and required to levy and cause to be collected upon the taxable property of said village, in three equal annual installments, said sum of two thousand and five hundred dollars, or so much thereof as shall be required for such purchase, together with annual interest thereon.

§ 3. This act shall take effect immediately.

Chap. 108.

AN ACT to authorize the Canal Commissioners to construct a bridge over the Erie canal at Austin street, in the city of Buffalo, and to provide for the payment thereof.

Passed April 2, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Canal
commis-
sioners to
construct
and main-
tain a
bridge
and tow
path.

Expense,
how paid.

Provide.

SECTION 1. The Canal Commissioners are hereby authorized and directed to construct, or cause to be constructed and maintained at the expense of the State, over the Erie canal at Austin street, in the city of Buffalo, a road bridge, also a towing-path on the berme side of the canal at this point under said bridge, so that teams can readily pass and repass on either side of the canal, in such manner as they may deem advisable, and the expense of the same be paid from any money appropriated, or to be appropriated, for extraordinary repairs on the western division of canals; provided, that after investigation and examination into all the facts in relation to the application for said bridge, the Board of Canal Commissioners shall be of opinion that the State is under legal or equitable obligation to build said bridge; and provided further, that

before proceeding to construction of any such bridge the Canal Commissioners shall require and receive a full and sufficient release, legally executed, acknowledged and delivered, free of expense to the State, of all claims or damages in consequence of the construction of said bridge, or of approaches and embankments of the same, and, also, a good and sufficient license or permission to the State, duly executed, acknowledged and delivered as aforesaid, to raise or change such bridges, approaches or embankments whenever necessary, which necessity is to be determined by the Canal Commissioners from all persons whose property, rights or interests may be affected by such bridge, approaches or embankments. The said Canal Commissioners shall enter, or cause to be entered, in a book of records, to be kept in their office, all the testimony above referred to, whether such determination be favorable or adverse to such application.

Release required.

License.

§ 2. The Auditor of the Canal Department shall draw his warrants on the Treasurer of this State to an amount not to exceed ten thousand dollars, for the purposes of this act, to be paid from any moneys appropriated for extraordinary repairs upon the western division of the canals of this State.

Auditor to draw amount. Out of what fund payable.

§ 3. This act shall take effect immediately.

Chap. 109.

AN ACT to release the right, title and interest of the People of the State of New York of, in and to certain real estate of which Anthony O'Carroll died seized, to Georgianna O'Carroll, his widow.

Passed April 2, 1874; by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the estate, right, title and interest of the People of the State of New York of, in and to the following described real estate, namely: All that certain lot, piece or parcel of land situate, lying and being in the city of Brooklyn, county of Kings, and State of New York, known and distinguished on a certain map entitled "Map of property in the seventh ward of the city of Brooklyn belonging to the heirs of John Ryerson, deceased, made by John S. Stoddard, city surveyor, and filed in the office of the clerk of the county of Kings," as and by the number two hundred and fifty-four (254), bounded and described as follows: Beginning at a point on the southerly side of Myrtle avenue, distant seventy-five feet easterly from the southeasterly corner of Myrtle avenue and Houston street, now known as Hall street; running thence easterly along Myrtle avenue twenty-five feet to lot number two hundred and fifty-three (253); thence southerly, parallel with Houston street, one hundred and twelve feet to lot number two hundred and sixty-nine (269); thence westerly, parallel with Myrtle avenue, twenty-five feet to lot number two hundred and fifty-five (255); and thence northerly, parallel with Houston street, one hundred and twelve feet to the place of beginning, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, whereof Anthony O'Carroll, late of said city of Brooklyn, died seized, is hereby released to Georgianna O'Carroll, of said city, the widow of said Anthony O'Carroll, her heirs and assigns forever.

State title to real estate in Brooklyn released.

Proviso. § 2. Nothing herein contained shall affect any right, claim or interest of any purchaser, heir at law or devisee, or of any creditor by mortgage, judgment or otherwise, in the said real estate.
§ 3. This act shall take effect immediately.

Chap. 110.

AN ACT to confirm the official acts of John P. Bennett, as a notary public of Wayne county.

Passed April 2, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Official
acts of no-
tary con-
firmed.

SECTION 1. All the acts of John P. Bennett, residing in Wayne county, in the State of New York, done as notary public, from March thirteenth, eighteen hundred and seventy-three, to March first, eighteen hundred and seventy-four, are hereby confirmed and declared as valid and of as full effect as if said John P. Bennett had been a duly appointed and qualified notary public.

Proviso.

§ 2. But nothing herein contained shall affect the rights of any party to any suit or proceeding commenced prior to the passage of this act.
§ 3. This act shall take effect immediately.

Chap. 111.

AN ACT to confirm the official acts of Cicero W. Barber, as notary public in and for the county of Washington, done from March thirtieth, eighteen hundred and seventy-three, to and including February eighteenth, eighteen hundred and seventy-four.

Passed April 2, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Official
acts of no-
tary con-
firmed.

SECTION 1. All the official acts and proceedings of Cicero W. Barber, as notary public in and for the county of Washington, since the thirtieth day of March, eighteen hundred and seventy-three, down to and including the eighteenth day of February, eighteen hundred and seventy-four, are hereby confirmed and declared as valid and of as full effect as if his commission as such notary public had not expired until the eighteenth day of February, eighteen hundred and seventy-four.

Proviso.

§ 2. Nothing in this act contained shall be deemed or taken to affect the rights of any party to any suit or proceeding commenced prior to its passage.

§ 3. This act shall take effect immediately.

Cap. 112.

AN ACT to authorize the board of supervisors of the county of Suffolk to erect a building for the offices of the county clerk and the surrogate of the said county, and to raise or borrow money for the same, and to provide for the payment thereof, and to remove the county clerk's office in said county to such building.

Passed April 2, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever the board of supervisors of the county of Suffolk shall determine, by a vote of two-thirds of all the members elected in said county, that it is necessary to erect a building for the offices of the county clerk and the surrogate of the said county, the said board is hereby authorized, by a like vote of two-thirds of all of said members, to proceed to the erection of such building. The said board of supervisors shall designate the location of such building, and shall erect the same upon some portion of the lot now in part occupied by the courthouse in said county. They are hereby authorized to borrow money not exceeding fifteen thousand dollars upon the credit of the said county, to be expended in the erection of such building and furnishing the same, and to provide for the payment thereof; and they may issue bonds therefor, payable within fifteen years from the date of the first issue of said bonds, with the interest thereon payable annually; and if bonds are issued a yearly tax shall be levied upon said county, equal to the annual interest for that year, upon said bonds outstanding, and to as much of the principal as will be sufficient to pay the whole amount of said bonds within the said fifteen years.

Board of supervisors authorized to erect building for clerk's and surrogate's offices.

May borrow money.

May issue bonds.

Tax.

§ 2. Instead of borrowing the said money and issuing bonds therefor, the said board of supervisors, by a vote of two-thirds of all the members elected in the county, may divide the cost of said building, not exceeding the sum of fifteen thousand dollars, into two sums as nearly equal as may be practicable; one of which sums may be levied on said county in the year in which such building shall be commenced, and the other in the year next following.

Money may be raised by tax.

§ 3. The said board of supervisors may sell and convey the present county clerk's office and the lot on which it stands, at the corner of Main street and Griffin avenue in Riverhead in said county, at such time and in such manner as they may deem for the interests of said county, and for the best price they can procure for the same; and the purchase money when received shall be applied toward the payment of the said sum hereby authorized to be borrowed or raised.

Supervisors may sell present clerk's office and lot.

Proceeds, how applied.

§ 4. When the said building is completed the board of supervisors of said county may direct the county clerk's office in said county, and the books and papers belonging thereto, to be removed to the said building.

§ 5. This act shall take effect immediately.

Chap. 113.

AN ACT to amend chapter ninety of the laws of eighteen hundred and seventy-three, entitled "An act to provide for the election of town officers, and the transaction of town business, in the town of Greenburgh, in the county of Westchester," passed March eighteenth, eighteen hundred and seventy-three.

Passed April 2, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of an act entitled "An act to provide for the election of town officers and the transaction of town business, in the town of Greenburgh, in the county of Westchester," passed March eighteenth, eighteen hundred and seventy-three, is hereby amended so as to read as follows:

Supervi- § 5. The supervisor and justices of the peace of said town, or a major-
sor and ity of them, shall meet at the office of the town clerk at noon, on the
justices to open election returns. Thursday following each election held under the provisions of this act,
To ascer- and open, in public, such returns. They shall thereupon ascertain the
tain and result. result of such election as shown by the returns of said inspectors, and
Provide. shall declare the persons, respectively, who shall have received the high-
est number of votes duly elected to the offices for which they have been
respectively voted for; provided, however, that only the two persons who
shall have received the highest number of votes for inspectors of election
in each of the several election districts shall be declared elected inspect-
ors for such district. The supervisors and justices present at such meet-
ing shall thereupon appoint the person having the next highest number
of votes for inspector of election in each district, the third inspector
of election for such district. In case two persons in any district shall
have received such next highest number of votes, the supervisor and
justices, or a majority of them, may appoint either of said persons as
such third inspector. The said supervisor and justices, or a majority
of them, shall thereupon certify, in writing, the result so ascertained
by them, and in such certificate shall set forth the names of all the
persons voted for, the offices for which they were designated, as appears
by the returns, the number of votes received by each, and the persons
declared by them to be elected, which certificate shall be filed in the
office of the town clerk. The said supervisor shall also file a list of the
persons so appointed to act as inspectors of election. The town clerk
shall forthwith transmit a copy of said certificate, duly certified by him
to be a correct transcript thereof, to the clerk of the county of West-
chester, who shall file the same in his office, and which certificate or
such copy thereof shall be presumptive evidence of the facts therein
stated. Within ten days after the filing of said certificate in the town
clerk's office, said town clerk shall give notice in writing to the several
persons declared by such certificate to be elected or appointed, of such
election or appointment. Such persons so elected or appointed shall
severally take the oath of office within the time, in the manner, and
before the persons, now provided by law.

§ 2. This act shall take effect immediately.

Chap. 114.

AN ACT to amend an act entitled "An act to provide for the relief and support of the poor of the county of Kings, and to change the name of the office of the superintendents of the poor therein to the office of the commissioners of charities of the county of Kings," passed April fourteenth, eighteen hundred and seventy-one.

Passed April 2, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of chapter four hundred and ninety-one of the laws of eighteen hundred and seventy-one, entitled "An act to provide for the relief and support of the poor of the county of Kings, and to change the name of the office of the superintendents of the poor therein to the office of the commissioners of charities of the county of Kings," passed April fourteenth, eighteen hundred and seventy-one, is hereby amended so as to read as follows:

§ 3. The said commissioners shall be a corporation by the name of the Commissioners of Charities of the county of Kings, under which name they may sue and be sued, and they shall possess the usual powers of a corporation for public purposes. They shall together constitute a board for the relief and support of the poor of the county of Kings, and for the government, management and direction of the premises commonly known as the county farm at Flatbush, in said county, and of each and all of the several institutions, buildings, properties and appurtenances situated or which may be erected thereon; and for the employment, relief, support and government of the persons placed therein, subject, however, to the control of the board of supervisors of Kings county, as herein provided. The said board of commissioners, and each member thereof, shall be and are hereby declared to be trustees of all property and effects in their possession or charge, and shall be liable to the county of Kings as such. The said board of commissioners may appoint and remove, from time to time, such officers, subordinates and assistants, excepting storekeepers, as may be necessary for the proper discharge of their duties under this act, who shall hold their positions during the pleasure of said board of commissioners, and said board of commissioners shall fix the salaries of such officers so appointed; and for the purpose aforesaid may, from time to time, make such rules and by-laws as may seem to them necessary, not inconsistent with the provisions of this act or contrary to law. The said board of commissioners shall generally possess every power and authority possessed by the superintendents of the poor of the county of Kings at the time of the passage of the act hereby amended, not inconsistent with the provisions of this act. But said board of commissioners shall not, nor shall said commissioners, have power to make any contract, nor to incur any obligation by which said county will be rendered liable to pay any money, except for the employment of officers, subordinates and assistants as above provided, and excepting in cases where authority shall be especially conferred by the board of supervisors; and any contract made or obligation incurred by said board of commissioners, or any member or committee thereof, shall be void, and shall constitute or create no

The commissioners of charities of Kings county declared a corporation.

To have the management of county farm, &c.

The commissioners are trustees, and liable as such.

Board of commissioners may appoint and remove officers, &c., and fix salaries.

General powers of the board.

Limitation of powers to make contracts.

Unauthorized contract void.

Valid as to person making or consenting thereto.

Board of commissioners to report to board of supervisors.

Duty of board of supervisors.

To advertise for proposals for supplies, &c.

Security to be given.

What contracts shall require.

Necessary additions, alterations and repairs to be made by the board of supervisors.

Proviso.

Existing contracts to be carried out.

Repeal.

Store-keepers, how appointed.

To account to board of

charge or obligation as against said county, but shall render every person or persons so making said contract or incurring said obligation, or consenting thereto, or voting therefor, individually liable for such debt or obligation. All articles necessary to be used in and for the relief and support of the poor in the county of Kings, shall be purchased, contracted for, or supplied by the board of supervisors of Kings county. On or before the first day of July in each year, the said board of commissioners shall report to the said board of supervisors a detailed statement of all articles and supplies or property of any kind which has passed through their hands or under their control for the year immediately preceding, and also which they will require for the year to succeed the next annual meeting, for the support and maintenance of said institutions, and for the relief and support of the poor in the county of Kings, including salaries and any and all additions or improvements to the buildings, grounds, sewerage, or other appurtenances or conveniences belonging to or connected with any and all of the institutions or buildings under the charge of said commissioners that may be required for the succeeding year. The said board of supervisors shall forthwith proceed to inquire and ascertain how much and what proportion of such articles, supplies, work or improvements they shall deem necessary, and shall supply the same as necessity shall require, by contract, in the manner specified by this act, and for which they are now authorized by law to make contracts. They shall advertise in the corporation papers of the city of Brooklyn for not less than ten days for proposals for all such articles, supplies and work, and shall award contracts for the same to the lowest bidder or bidders who shall give adequate security for the faithful performance of said contracts, and from time to time as extraordinary supplies or work may be required by said commissioners and supplied by the said board of supervisors, if they deem proper, in the same manner. Said contracts shall require, in the case of perishable articles, or other articles when such provision would be proper, that the articles or supplies proposed to be furnished shall be furnished in quantities and at times as may be required, within certain limits to be prescribed, and in such case such articles or supplies shall be so furnished as required in the time and manner to be regulated by said board of supervisors, and to the full extent as to quantity and quality as required by said contracts and proposals or specifications connected therewith, or relating thereto. Any and all additions, alterations or repairs to any and all of the buildings or property belonging to or connected with such institutions, or any of them, which may become necessary by reason of any increase in the number of inmates in said institutions, or any of them, or for the proper care or government thereof, shall be made, furnished and supplied by the said board of supervisors, in their discretion, in the same manner upon the requisition of said board of commissioners; provided, however, that the money to be expended for such purposes shall have been already raised by tax for such purpose. And all contracts heretofore made by the said commissioners, or under their authority and unfilled, shall be carried out under and according to the provisions of this act.

§ 2. Section four of said act is hereby repealed and the following is substituted in place thereof as section four:

§ 4. The supervisor at large of Kings county shall nominate to the board of supervisors, and, with their approval, shall appoint such and so many storekeepers as said board of supervisors shall decide to be necessary to carry out the provisions of this act. All stores, supplies and articles purchased or procured by said board of supervisors

shall be delivered to and received by said storekeepers, who shall be responsible for and shall account to said board of supervisors therefor. Such storekeepers shall give bonds for the faithful performance of their duties, and to account for all property in their hands, in such form and amount as said board of supervisors shall direct, and in all respects not herein provided for, said board of supervisors shall direct and define their duties and powers, and shall fix and regulate the amount of their salaries. Said storekeepers shall be furnished with a copy of all contracts for articles or supplies procured under this act. And all out-door relief shall be furnished from depositories or storehouses kept by said storekeepers in kind, and not in money, nor by orders on dealers. But this provision shall not apply to the article of coal which shall be procured by said board of supervisors by contract and supplied by orders on the contractors from the said board of commissioners. All articles and supplies to be drawn for the use of said institutions or for out-door relief shall be delivered to the said board of commissioners, upon their written order, and under such regulations as said board of supervisors may prescribe. All such orders shall be returned to the board of supervisors by said storekeepers, as often as such board may require, as vouchers for the goods, articles or supplies delivered by them. Such storekeepers shall also keep a complete record of all goods received by them and delivered on the order of said commissioners, and to whom said goods were delivered.

supervisors.
Bonds of storekeepers.
Their salaries.
Out-door relief, how furnished.
Coal, how supplied.
Supplies to be delivered to board of commissioners upon their order.
Account of goods to be kept.

§ 3. Section five of the said act is hereby repealed and the following is substituted in place thereof, as section five:

§ 5. All powers and duties by this act devolved upon the said commissioners shall be considered as devolved upon said board of commissioners; but no such power shall be exercised, except by the votes of at least three members of said board of commissioners; and all powers devolved by this act upon said board of supervisors shall be exercised by them, exclusively, and to the exclusion of said board of commissioners, or members thereof.

No power can be exercised except by vote of three members of board of commissioners.

§ 4. Section six of said act is hereby amended so as to read as follows:

§ 6. The said board of supervisors shall cause to be levied and collected annually, by tax upon the real and personal property taxable in said county, such sum and amount as they shall deem to be necessary for the purposes of this act, and for the relief and support of the poor, as herein provided. The amount so raised shall be paid to the county treasurer, who shall disburse the same as directed by said board of supervisors, in accordance with the provisions of this act; and the said county treasurer shall raise by bond, in the name of said county, such sum or sums of money as may, from time to time, be required for immediate use for the purposes of this act, in anticipation or advance of the collection of the annual taxes, which sum or sums shall be made payable at some time or times, within one year, with interest not to exceed seven per cent per annum; and which payment, principal and interest, shall be paid out of the amount next thereafter levied and collected for the purposes of this act. No greater amount than five hundred and fifty thousand dollars shall be levied and collected in any one year, for the purpose of carrying out the provisions of this act. The said board of commissioners shall certify to said board of supervisors, on or before the first day of each month, a complete list of the names of all assistants, employees, or officers employed by or acting under the directions of said commissioners, or either of them, and of the salaries paid to and duties performed by each, and no such salaries shall be paid by the county treasurer until such certificate has been

Supervisors to levy an annual tax.
Amount raised to be paid to county treasurer.
Treasurer shall raise by bond, money for immediate use.
Amount that may be raised.
Board of commissioners to make certificate each month.

Bills, &c., made. And all bills, charges, accounts, contracts, or other obligations made or incurred under this act shall be audited, paid and discharged in the same manner as other bills, charges, accounts and obligations against said county are now paid, and it shall not be lawful for the county treasurer of said county to pay them, except as herein directed.

§ 5. Section seven of said act is hereby amended so as to read as follows:

No commissioner or supervisor to be personally interested in any contract or purchase. § 7. None of the commissioners of public charities or of the board of supervisors, nor any of their subordinates, shall ever be interested personally, directly or indirectly, in any contract or in any purchase or sale of supplies or articles of any description required or used under any provision of this act, or for the relief or support of the poor, or in connection with any of the buildings, institutions or property under the control of said board of commissioners, nor in any arrangement by which any pecuniary benefit shall result to himself.

§ 6. Section eight of said act is hereby amended so as to read as follows:

Pauper inmates, how they shall be employed. § 8. Every pauper inmate of the institutions under charge of the said commissioners, whose age and health will permit, shall be employed in getting out and breaking stone, or in cultivating the grounds, or in repairing the property in charge of the said commissioners, or in manufacturing such articles as may be required for the ordinary use of said institutions, or on such mechanical or other labor as on trial shall be found to suit the capacity of the individual, and in case any of them shall neglect or refuse to perform any such work when so required by the person in charge, the said commissioners may discharge such inmate or inmates, or cause them to be placed under such restrictions as in the judgment and discretion of the said commissioners may seem proper. All buildings, lands and properties formerly under the control of the superintendents of the poor, and now under the control of the said commissioners of charities, shall be used by said commissioners for all purposes connected with their duties under this act. **Vagrants.** Vagrants in said county may be committed to the alms-house and shall be held therein the same way and by the same magistrates in and by which they are now committed to the penitentiary or county jail in said county.

Repeal. § 7. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 8. This act shall take effect thirty days from and after its passage.

Chap. 115.

AN ACT to authorize the common council of "the city of Albany" to borrow money for certain purposes, to issue obligations therefor, and provide for the payment thereof.

Passed April 2, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

The common council, with the approval of the mayor, author- SECTION 1. The common council of the city of Albany by a two-third vote of all the members elected to said body, and with the approval of the mayor of said city, is hereby authorized to borrow on the faith and credit of said city such sum or sums of money not exceeding in the aggregate three hundred and fifty thousand dollars, as the same from

time to time may be required to carry on the ordinary affairs of the city and for which provision was not made in the tax levy of December, in the year one thousand eight hundred and seventy-three, to issue bonds or certificates of indebtedness therefor signed by the mayor, countersigned by the chamberlain of said city, and attested by the signature of the clerk of the common council, bearing interest at the rate of seven per cent. per annum, and the principal to be reimbursable not exceeding one year from the date thereof, the same to be fixed and determined by the common council in the manner aforesaid. But none of the bonds hereby authorized to be issued shall be sold at less than their par value.

ized to borrow money. Bonds may be issued. How executed and attested.

Not to be sold at less than par.

§ 2. The money borrowed under the provisions of this act shall be set apart and disbursed by the chamberlain for the following objects and no other, and to the extent for each as herein specified, viz.: For street contingents, ten thousand dollars; city hall, four thousand dollars; printing and advertising, seven thousand five hundred dollars; justices' courts, three thousand five hundred dollars; salaries of city officers, twenty-one thousand three hundred and twenty-five dollars; elections, five thousand five hundred dollars; new city building, three thousand dollars; scavenger's dock, three hundred dollars; contingents, three thousand dollars; Fourth of July account, seventeen hundred dollars; legal expenses, pier cases, twelve thousand five hundred dollars; St. Peter's Hospital and Dispensary, three thousand dollars; Albany Hospital and Dispensary, three thousand dollars; deficiency in one thousand eight hundred and seventy-three, Albany Hospital and Dispensary, two thousand dollars; Albany Homœopathic Hospital and Dispensary, two thousand dollars; for refunding assessments on alley between Lancaster and Chestnut streets, three hundred and ninety-seven dollars and seventy-five cents; furnishing and lighting public lamps, thirty-three thousand eight hundred and twenty dollars and one cent; interest on city debt, eighty-five thousand nine hundred and fifty-nine dollars and sixty-eight cents; out-door relief of poor, sixteen thousand five hundred dollars; maintenance of Washington Park, six thousand dollars; sinking fund, ten thousand dollars; for draining and paving in Madison avenue, opposite Washington Park, six thousand one hundred and forty-seven dollars and fifty-six cents; the widow of the late Edward Foy, five hundred dollars; fire department, for current expenses, fifty-seven thousand dollars; for equipping new companies, twenty thousand dollars; for striker in St. Patrick's church, one thousand three hundred and fifty dollars, and also the further sum of thirty thousand dollars for the purchase of lots and erection of buildings thereon, when the same shall hereafter have been authorized by a two-third vote of all the members elected to the common council and has been approved by the mayor.

Objects for which the money borrowed shall be disbursed.

§ 3. It shall be the duty of the chamberlain of the city to certify to the board of supervisors of the county of Albany at the annual meetings of said board, in the month of November next, the aggregate amount of moneys borrowed under the provisions of this act, and the sums as certified shall be levied and collected in the same manner as other taxes upon the city are levied and collected.

The city chamberlain to certify amount to board of supervisors.

§ 4. This act shall take effect immediately.

Chap. 116.

AN ACT in relation to mendicant and vagrant children.

Passed April 3, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any person, whether as parent, relative, guardian, employer or otherwise, having in his care, custody or control, any child under the age of sixteen years, who shall sell, apprentice, give away, let out or otherwise dispose of any such child to any person, under any name, title or pretence, for the vocation, use, occupation, calling, service or purpose of singing, playing on musical instruments, rope walking, dancing, begging or peddling in any public street or highway, or in any mendicant or wandering business whatsoever; and any person who shall take, receive, hire, employ, use or have in custody any such child for such purposes or either of them, shall be deemed to be guilty of a misdemeanor, and, upon conviction thereof before any court of special sessions, or other competent tribunal, shall be fined in a sum not less than fifty nor more than two hundred and fifty dollars, or suffer imprisonment in a county jail for a period not less than thirty days nor more than one year, or both such fine and imprisonment, in the discretion of the court.

§ 2. This act shall take effect immediately.

Chap. 117.

AN ACT to provide for the election and appointment of registers and inspectors of elections and poll clerks in Long Island City.

Passed April 3, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. At each annual charter election held in Long Island City, two inspectors of election shall be elected for each ward. They shall severally be residents and electors of the ward, and shall be voted for upon the ward ticket. No ballot shall be counted for inspectors upon which more than two names shall have been placed for that office. The elector in each ward receiving the highest number of votes and the elector therein receiving the next highest number of votes shall be two of the inspectors of elections for such ward at all elections to be held therein during the ensuing year.

§ 2. The inspectors of election in each ward of said city shall canvass all votes given for inspectors of elections pursuant to the provisions of this act, and certify the result to the city clerk, as provided in the eighth section of the eleventh title of chapter four hundred and sixty-one of the laws of eighteen hundred and seventy-one, passed April thirteenth, eighteen hundred and seventy-one, entitled "An act to revise the charter of Long Island City;" and in addition to the certificate of election, which is required by the provisions of said section to be made in duplicate and filed in the office of the clerk of Long Island City and with the

Two inspectors of election to be chosen for each ward.

The highest and next highest number of votes elect.

Canvass of votes.

Certification.

City clerk to certify to mayor.

clerk of Queens county, said city clerk shall, at the same time, certify to the mayor of said city in writing, under his hand and attested by the seal of the city, the names of all persons not elected as aforesaid for whom votes shall have been given for the office of inspectors of elections, specifying the number of votes given for each person and the wards in which such votes were given, respectively.

§ 3. Within ten days after the receipt of such certificate, the mayor of said city shall appoint from the persons so voted for, and not elected, the person having the highest number of votes who is eligible to such appointment under the provisions of this section, as the third inspector of elections for each ward, but such appointment shall be so made, and vacancies if any shall always be so filled, that two of the inspectors in each ward shall be of the political party in the majority and the other inspector of the political party in the minority in each ward.

Mayor to appoint a third inspector for each ward.

§ 4. Within thirty days after each charter election the mayor shall file a certificate of such appointments, in writing, under his hand and seal, in the office of the clerk of said city, and a duplicate thereof, within the same time, in the office of the clerk of Queens county.

Certificate of appointments must be filed.

§ 5. All vacancies occurring in the office of inspector of elections for any ward, prior to the day of any general, charter or special election, shall be filled by appointment by the mayor, and duplicate certificates of such appointment shall be forthwith filed in the offices of the city and county clerks aforesaid. All vacancies occurring on any election day shall be filled by the remaining inspectors of the ward in which they occur, and their certificate of such appointment shall be filed with the election returns of the ward.

Vacancies in office of inspector, how filled.

§ 6. One poll clerk for each ward shall be designated and appointed by the two inspectors who shall be of the political party in the majority, and the other by the inspector who shall be of the political party in the minority in such ward, and certificates of their appointment shall be filed with the election returns.

Appointment of poll clerk for each ward.

§ 7. The inspectors of elections so elected and appointed shall be the registers and inspectors of elections in their respective wards, and shall constitute and be the boards of registry and inspection therein; and all provisions of law relating to or in any way affecting the powers and duties of registers and inspectors, or boards of registry and inspection of elections, or of poll clerks in Long Island City, not inconsistent with the provisions of this act, shall apply to the registers and inspectors, and boards of registry and inspection, and to the poll clerks hereby provided for.

Board of registry, how constituted

§ 8. All acts and parts of acts, and all provisions of law inconsistent with the provisions of this act, are hereby repealed, so far as the same affect Long Island City.

Repeal.

§ 9. This act shall take effect immediately.

Chap. 118.

AN ACT for the relief of the Plank Road Railroad Company, passed April twenty-first, eighteen hundred and sixty-six, and amended April twenty-fifth, eighteen hundred and seventy-one.

Passed April 3, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Time for
completion of
road ex-
tended.

SECTION 1. The Plank Road Railroad Company, incorporated by act of the legislature, passed April twenty-first, eighteen hundred and sixty-six, and amended April twenty fifth, eighteen hundred and seventy-one, shall have to the first day of July, eighteen hundred and seventy-eight, to complete their road to Queens, and shall have the power and privilege to continue and build the road to Hempstead any time before the first day of January, eighteen hundred and seventy-eight.

Privi-
leges.

§ 2. When the road is completed to Queens they shall be entitled to all the privileges and exemptions of plank road and turnpike corporations.

§ 3. This act shall take effect immediately.

Chap. 119.

AN ACT to increase the capital stock of the Jamaica and Brooklyn Plank-road Company.

Passed April 3, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Jamaica and Brooklyn Plank-road Company is hereby authorized and empowered to increase the capital stock of said company, to the amount they have actually expended in constructing and completing their road, on filing a certificate, setting forth the amount of such increase, in the office of the Secretary of State, and with the clerk of Queens county, and upon obtaining the consent, in writing, of sixty per cent. of the shares of stock now represented in said company.

§ 2. This act shall take effect immediately.

Chap. 120.

AN ACT to amend an act entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester, and the several acts amendatory thereof.

Passed April 3, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section forty-eight of the act entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester," passed April eight, eighteen hundred and sixty-one, and amended in eighteen hundred and seventy-one and eighteen hundred and seventy-two, is hereby amended so as to read as follows:

§ 48. On the last Thursday in the month of March, in each year, the common council shall audit and settle the accounts of the city treasurer, and the accounts of all other officers and persons having claims against the city, or accounts with it, and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, in which statement shall be clearly and distinctly specified the several items of expenditure made by the common council, the objects and purposes for which the same were made, and the amount of money expended under each; the amount of taxes raised for the general contingent expenses; the amount raised for lighting and watching the city; the amount of highway taxes and assessments; the amount of assessments for paving, repairing and opening streets, and for repairing and building bridges; the amount borrowed on credit of the corporation, and the terms on which the same was attained, and such other information as shall be necessary for a full understanding of the financial concerns of the city, which statement shall be signed by the mayor and clerk and filed with the clerk of the city, and the same shall be published by the clerk, at the expense of the city, in the newspapers thereof, in which the proceedings of the common council are published. The common council shall, at its first regular meeting in each year, select two or more of the daily newspapers published in said city, for the publication of the proceedings, resolutions and ordinances of the common council, the commissioners of public works of said city and all the notices and advertisements and proceedings of any of the officers of said city and of all the committees of the common council during the current fiscal year, provided such publication shall be under and in accordance with the terms of a written contract theretofore made and executed by the proprietor or proprietors of such newspapers and the mayor of the city of Rochester under the direction and approval of the common council, at least one of such newspapers shall represent in its publication the political party opposed to the one having the majority in the common council, provided the proceedings, etc., can be secured to be published therein at the same rate agreed upon with other paper or papers.

Accounts with city, when audited and settled.

Statement of receipts and expenditures.

Must be signed by the mayor and clerk and published.

Two or more newspapers to be designated annually, by the common council, to publish resolutions, ordinances, &c.

Party relations of such newspapers.

§ 2. This act shall take effect immediately.

Chap. 121.

AN ACT to incorporate the Western New York Conference of the Methodist Episcopal Church.

Passed April 3, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. Glozen Fillmore, Richard L. Waite, John Copeland, John Dennis, William D. Buck, David Nutten, Albert D. Wilbor, William S. Tuttle and Sandford Hunt, and their associates, members of the Western New York conference of the Methodist Episcopal church, and their successors, are hereby constituted a body corporate by the name and style of The Western New York Conference of the Methodist Episcopal Church.

Corporatename.

Objects.

§ 2. The object of this corporation is to aid the superannuated preachers of said conference, and the widows and orphans of those who have died, in obtaining a comfortable support.

Powers of the corporation.

§ 3. The said corporation shall be capable of taking, receiving and holding any real estate or personal property, by purchase, gift, or by virtue of any devise or bequest contained in any last will or testament of any person whatsoever, subject to all the provisions of law relating to devises and bequests by last will and testament, provided that the annual income of the property held by the corporation shall not at any time exceed the sum of one hundred thousand dollars.

Limit of annual income.

First trustees and their terms of office.

§ 4. The persons named in the first section of this act shall be the first trustees of this corporation, and shall hold their offices until their successors are chosen as hereinafter provided; they shall meet at some time during the session of the Western New York conference aforesaid for eighteen hundred and seventy-four, when they shall be divided by lot into three classes of three each; the term of the first class shall expire at the annual session of the said conference for eighteen hundred and seventy-five; that of the second class at the session of said conference for eighteen hundred and seventy-six; that of the third class at the session of said conference for eighteen hundred and seventy-seven; and trustees elected to fill vacancies occurring by the expiration of the terms of office as above mentioned shall hold their offices for three years and until their successors are chosen.

Their classification.

Annual session of the corporation, three trustees to be elected at each.

§ 5. The said corporation at its annual session for eighteen hundred and seventy-five, and at all subsequent annual sessions, shall elect three trustees to fill the vacancies occurring by expiration of terms of office; but all trustees shall hold their office until their successors are chosen. The said corporation may also fill any vacancies occasioned by death, resignation, transfer or otherwise.

Trustees of Genesee annual conference may convey to this corporation.

§ 6. The trustees of the Genesee annual conference are hereby authorized to transfer to this corporation all property in their possession, and any devises of land or bequests of property made to the said trustees of the Genesee annual conference shall vest in this corporation; and the "Trustees of the funds of the East Genesee conference" are also authorized to transfer to this corporation such portion of its funds and property as in their judgment may be deemed equitable and right.

Superannuated preachers, &c.

§ 7. This corporation shall have full power at its annual sessions to determine the respective claims of superannuated preachers, widows and orphans upon its funds; and the income of its property, of every kind

whatsoever, after paying necessary expenses, shall be used to meet such claims only.

§ 8. This act shall take effect immediately.

Chap. 122.

AN ACT to provide for the payment of the salaries of the teachers and janitors formerly employed under the board of education of school district number one, of the town of West Farms, as the same was constituted prior to the first day of January, eighteen hundred and seventy-four, and the other creditors of said board.

Passed April 3, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The salaries of teachers and janitors formerly employed under the board of education of school district number one, of the town of West Farms, due and unpaid on the first day of January, eighteen hundred and seventy-four, shall be paid by the board of education of the city of New York, and the comptroller of the city and county of New York is hereby authorized and directed, within ten days after the passage of this act, to pay over to the clerk of the board of education of said city, out of any moneys in his possession or under his control, and not otherwise specially appropriated, such sum or sums of money not exceeding the sum of thirty-eight hundred and eighty-nine dollars and seventy-two cents, as the auditor of the board of education of said city shall certify to be due and payable to the teachers and janitors formerly employed by the board of education of school district number one, of the town of West Farms, for services rendered for the months of November and December, eighteen hundred and seventy-three.

Board of education of New York city required to pay salaries.

Amount to be paid.

§ 2. The amount of the indebtedness of the board of education of school district number one, of the town of West Farms, existing on the first day of January, eighteen hundred and seventy-four, is hereby declared to be an obligation of said town as the same was constituted prior to that time.

Indebtedness declared an obligation upon the town.

§ 3. This act shall take effect immediately.

Chap. 123.

AN ACT to amend the charter of the Hudson Suspension Bridge and New England Railway Company.

Passed April 4, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The time for the completion of the bridge of the Hudson Suspension Bridge and New England Railway Company, and of the appurtenances of said bridge, and of the avenues of approach thereto, to comply with the conditions of the act of incorporation of said com-

pany, and of the amendments to said act, is hereby extended to the fourth day of July, one thousand eight hundred and eighty.

§ 2. This act shall take effect immediately.

Chap. 124.

AN ACT for the relief of the "Peekskill Manufacturing Company."

Passed April 4, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

An election for trustees may be held.

Provide.

Certificate by president and trustees.

How varied.

To be recorded.

Transfers of stock legalized.

SECTION 1. The stockholders of the "Peekskill Manufacturing Company," in the county of Westchester, are hereby authorized to hold an election for trustees of such company, at such time and in such manner as the stockholders of such company shall prescribe, without previous notice of the time and place of holding such election being published; provided, however, that all the stockholders in such company shall attend such election and vote thereat.

§ 2. The president and trustees of said company are hereby authorized to make a certificate, stating the amount of the capital stock fixed and limited by the company, and that the same has been paid in, which certificate shall be signed and sworn to by the president and a majority of the trustees, and they shall record the same in the office of the county clerk of the county of Westchester within ten days from the passage of this act, and when so recorded, such certificate shall have the same force and effect as though made and recorded within the time limited by statute.

§ 3. All transfers of the stock of said company heretofore made are hereby declared to be valid, as though made in a manner prescribed by the by-laws of said company, and no omission to make by-laws for the management and disposition of the stock and business affairs of said company shall invalidate the transfers of the stock thereof heretofore made.

§ 4. This act shall take effect immediately.

Chap. 125.

AN ACT to provide for the establishment of a system of graded schools in the village of Ithaca.

Passed April 4, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

School districts consolidated.

SECTION 1. All school districts and parts of school districts in the village of Ithaca, together with that portion of territory directly east of and adjoining said village corporation, and bounded as follows: On the east by a line parallel to the east boundary of said corporation, and distant one hundred and twenty rods therefrom; on the north and south, respectively, by continuations of the north and south boundary lines of the said corporation; and on the west by the said village corporation, shall, for the purposes hereinafter mentioned, form one school district,

to be called "the union school district of the village of Ithaca." Said district shall not be altered except by legislative enactment.

Union
school
district.
Commis-
sioners.

§ 2. Douglas Boardman, Benjamin F. Taber, John L. Whiton, William L. Bostwick, Rufus Bates, John Gauntlett, Francis M. Finch, Peter B. Crandall, Joseph C. King, Henry D. Donnelly, Marcus Lyon and Edward S. Esty are hereby appointed commissioners of the aforesaid union school district, and the said persons hereby appointed, and their successors, to be chosen as hereinafter provided, are hereby constituted a body corporate in relation to all the powers and duties conferred or imposed by law, to be styled "The Board of Education of the Village of Ithaca," and are hereby invested with all the powers and charged with all the duties conferred upon them by this act. A majority of the commissioners shall constitute a quorum.

Corpo-
ration.

Corpo-
rate name.

§ 3. The commissioners hereinbefore mentioned shall meet and organize within twenty days after the passage of this act. At the said meeting they shall divide themselves into three classes of four each, and it shall be determined by lot who shall belong to each class. Those belonging to the first class shall hold office until the second Tuesday in October, one thousand eight hundred and seventy-five; those of the second class until the second Tuesday in October, one thousand eight hundred and seventy-six; and those of the third class until the second Tuesday in October, one thousand eight hundred and seventy-seven, and until their successors shall be elected and enter upon the duties of their offices respectively.

Commis-
sioners to
classify
them-
selves by
lot.
Term of
office.

§ 4. At the regular election of village officers of the village of Ithaca, to be held on the first Tuesday in March, one thousand eight hundred and seventy-five, and annually thereafter at each said village election, there shall be chosen, in the same manner as other village officers are chosen, and by a vote of all the inhabitants legally qualified to vote at a district school meeting in this State, four commissioners and a collector, to fill the places of those whose terms of office expire on the second Tuesday of October next succeeding such election. The commissioners thus chosen shall hold their respective offices for the term of three years from the second Tuesday in October next succeeding their election, and until their successors shall be elected and enter upon the duties of their offices, respectively. The collector shall hold his office for one year from the second Tuesday of October next succeeding his election. This act shall not be so construed as to disqualify any officer aforesaid for re-election.

Four com-
missioners
to be cho-
sen at the
village
election in
1875, and
annually
there-
after.

Term of
office.

Collector,
his term
of office.

§ 5. The commissioners elected by virtue of this act shall, before entering upon the duties of their office, take and file with the clerk of the county of Tompkins the oath of office prescribed by the Constitution of this State, and they shall be members of the board of education of the said union school district. The board of education shall have power, and it shall be their duty, to fill all vacancies in the said board which may occur from any other cause than the expiration of their term of office. The commissioners so appointed shall hold their offices for the unexpired term of those to supply whose places they were appointed.

Official
oath of
commis-
sioners.

Vacancies,
how
filled.

§ 6. Any member of the board of education may, for neglect of duty, or either immoral or official misconduct, be removed from office by the board, by a vote of two-thirds present at any regularly called meeting thereof; but, before final action thereon, a written copy of the charges preferred against said member shall be served upon him, and he shall be allowed an opportunity to explain or refute them. Any member of said board may resign his office by giving one month's previous notice,

Member
of board,
for what,
and how
removed
from
office.

Resigna-
tion.

in writing, to the said board, who may, if they deem the reason sufficient, accept the same.

President elected at first meeting. § 7. At the first meeting of the board of education, and at each annual meeting thereafter, they shall elect one of their number president of the board, and whenever he shall be absent, or unable to act, they shall appoint a president pro tempore. At their first meeting the board shall fix the time for their next annual meeting, and, unless changed by a resolution of the board, the time thus fixed shall be the time for future annual meetings. The board of education shall receive no compensation for their services.

Time of next annual meeting. § 8. The board of education shall meet for the transaction of business as often as once in each month, and may adjourn for any shorter time. **Monthly meeting of board.** Special meetings may be called by the president, or, in case of his absence or inability to act, by any member of the board, as often as necessary, by giving personal notice to each member of the board, or causing a written or printed notice to be left at his residence, with some person of suitable age and discretion, at least twenty-four hours before the time for such special meeting. **Special meetings, by whom and how called.**

Secretary and librarian to be appointed. § 9. The board of education shall appoint a secretary and librarian, who shall hold their offices during the pleasure of the board, and whose compensation shall be fixed by the said board; and the same person may hold the office of secretary and librarian. The secretary shall keep a record of the proceedings of the board and perform such other duties as the board may prescribe. The librarian shall have charge of the library or libraries of the district, and may appoint such assistants as may be necessary, from time to time, and such assistants may be removed at any time by the board of education. The record of the board of education, or a transcript thereof certified by the secretary, shall be received in all courts as prima facie evidence of the facts therein stated, and such record, the books, accounts, vouchers and papers of the said board shall at all times be subject to the inspection of the trustees of the village, or any committee thereof, or any tax-payer, and a transcript thereof may be taken. **Their duties.**

Evidence. § 10. The board of education shall have power, and it shall be their duty, to raise by tax to be levied upon all the real and personal estate in said union school district which shall be liable to taxation for town or county charges, such sums as may be determined upon to be necessary and proper, for any or all the following purposes, for the current year:

Books, &c., to be open to inspection. 1. To purchase, lease or improve sites for school-houses. **Powers of the board as to taxation.** 2. To build, purchase, lease, alter and repair school-houses, out-houses and appurtenances thereunto belonging. **Purposes for which tax may be levied.**

3. To purchase, exchange, improve and repair school apparatus and provide suitable and necessary text-books for the pupils of the several schools under their care.

4. To procure fuel and defray the necessary expenses of keeping the school-houses in order, exclusive of repairs, including insurance.

5. To defray the contingent expenses of the several schools and the district library or libraries, including salary of librarian and superintendent.

6. To defray the contingent expenses of the board of education, including the salary of the secretary thereof.

7. To pay teachers' wages, after the application of the public money appropriated by law for that purpose.

8. To pay charges or expenses incurred by law, or necessary to carry this act into effect, or to refund loans contracted by law, and to

pay the interest thereon, or to pay such sums as shall be required to fulfill any contract duly made under the provisions of this act.

§ 11. The tax aforesaid, and all other taxes to be levied and collected by virtue of this act shall be assessed, and the tax list made out and to be delivered to the proper officer for collection, within thirty days after the same shall have been voted, except as herein otherwise provided. The said tax list or lists shall, in respect to manner, form and other particulars, be made out the same as school district tax lists are required to be made by sections sixty-five, sixty-six, sixty-seven, sixty-eight, seventy, seventy-one, seventy-two and seventy-four of title seven of the general school law of the State of New York. The board of education shall attach to said tax list or lists their warrant for its collection, directed to the proper officer, and signed by the president and secretary of the board. The said warrant shall be the same in form as a warrant issued by the trustees of a school district of the State, and it shall have a like force and effect as are given to a warrant of the trustees of a school district by section eighty-one of title seven of the general school law of the State. The board of education may renew, from time to time, as they shall deem proper, any warrant issued for the collection of any tax assessed by them by virtue of this act. The said board may amend and correct any tax list made out by them, when any error shall have been discovered, in the manner and form prescribed by section eighty-seven of title seven of the general school law of the State.

The board of education, upon delivering any tax list and warrant to the collector, shall retain a copy of the same for themselves, and shall take a receipt from the collector for the said tax list and warrant, which receipt shall specify the amount to be collected, and the return day of the said tax list.

The board of education shall also, immediately upon the delivery of any tax list to the collector, publish a notice thereof in two of the village papers, designating some convenient place where said collector shall attend on Monday and Saturday of each week, for four successive weeks next after the delivery to him of said tax roll and warrant, from nine o'clock in the morning till six o'clock in the afternoon, for the purpose of receiving said taxes.

It shall be the duty of the collector, before receiving any warrant for the collection of money, to execute a bond to the board of education, with two or more sureties to be approved by the said board in such amount as they shall deem reasonable, conditioned for the due and faithful execution of the duties of his office. His jurisdiction under this act shall extend to all the territory embraced in the said union school district. Also he shall have the same power to execute the warrants delivered to him beyond the limits of the district as is given to the collector of a school district by section eighty-five of the general school law of the State.

§ 12. It shall be the duty of the collector of the village of Ithaca, after receiving any tax list from the board of education, to attend at the place and time designated by the board in their published notice, as provided by section eleven of this act, and receive such taxes as may be there and then tendered to him. He shall receive for his services on all sums paid in as aforesaid, and all other sums paid before the expiration of four weeks after receiving such tax list and warrant, one per cent.; on all sums collected by him after the expiration of the time mentioned he shall receive three per cent.; and in case a levy and sale shall be necessarily made by said collector, he shall be entitled to trav-

Taxes, when assessed, and tax list delivered.

Tax lists, how made out.

Warrant for collection.

Its form, force and effect.

Board may re new warrant.

May correct errors in tax list.

Board to retain copy of tax list and warrant.

Publication of notice.

What, notice shall contain.

Bond of collector.

Its condition.

Collector's jurisdiction defined.

Duty of village collector in receiving taxes.

Per centage for collection.

Traveling fees.

eling fees at the rate of ten cents per mile, to be computed from the academy or high school building of the village of Ithaca.

Collectors to pay moneys, to village treasurers.

When to settle with board of education.

Section seventy-five of general school law applicable.

Board of education shall account with collectors. Certain provisions of the general school law made applicable.

Vacancy in office of collector, how filled.

Board may appoint collector at organization.

Amount raised for teachers' wages, contingent expenses, sites, &c., limited.

All moneys to be paid to village treasurer.

Accountable therefor.

Official misconduct, penalties.

Moneys for common, academic or high schools, with whom and how deposited.

It shall be the duty of the collector, before the expiration of his warrant, to pay over all moneys received by him by virtue of its authority, except his percentage of compensation, to the treasurer of the village of Ithaca, whose receipt shall be his sufficient voucher therefor.

He shall settle with the board of education, at their first regular monthly meeting after the final expiration of this warrant, and shall account to them for all moneys received by him upon the tax list delivered to him.

He shall also comply with section seventy-five, title seven, of the general school law, the same as is required of the collector of any other school district of the State; in which case the board of education shall credit him with the amount to which he shall be entitled by virtue of the said section.

§ 13. It shall be the duty of the board of education to proceed with the account of the money so credited to the collector, the same as trustees are directed to do under like circumstances, by section seventy-six, title seven, of the school law aforesaid. And, further, all the provisions of sections seventy-seven, seventy-eight, seventy-nine and eighty of the said title of the general school law shall have the same application to the taxes of this union school district as to those of other school districts of the State.

The board of education shall also have the same power to sue for and collect any tax as is given by section eighty-six of the aforesaid article of the general school law to trustees of school districts. In case the office of collector shall become vacant by the death, resignation, refusal or inability of the incumbent to act, the board, by appointment, may fill the vacancy for the unexpired term. And the said board are empowered to appoint a collector at their organization who shall hold his office until the second Tuesday in October, one thousand eight hundred and seventy-five.

§ 14. The amount raised for teachers' wages and contingent expenses shall not be less than two nor more than five times the amount appropriated to said union district, or the several districts composing the same, from all the common school funds of the State during the previous year; nor shall the amount raised in any one year for the purchase of sites, erecting and repairing school-houses and the appurtenances, exceed three thousand dollars, except as herein otherwise provided for.

§ 15. All moneys raised pursuant to the provisions of this act, and all school moneys by law appropriated to or provided for said union school district, shall be paid to the treasurer of the village of Ithaca, who, together with the sureties upon his official bond, shall be accountable therefor in the same manner as for other funds of said village, and the board of trustees of said village, in fixing the amount of the treasurer's sureties, shall include the moneys received by virtue of this act. The said treasurer shall be liable to the same penalties for official misconduct in relation to said money as for any similar misconduct in relation to other moneys of said village.

§ 16. All moneys raised by virtue of this act, or received from any other source, for the use of common, academic or high schools, in buildings therefor, shall be deposited with the treasurer for safe-keeping thereof, to the credit of the board of education, until drawn as hereinafter provided for, and the said treasurer shall keep the account of the funds thus deposited with him separate and distinct from any other funds which he is or may be authorized to receive.

§ 17. The treasurer of the village of Ithaca shall, at the proper time in each year, draw upon the county treasurer or other proper officer for all moneys appropriated to said union district from the common school, literature, or other funds of this State; and he is hereby authorized to receive the same for the said union district, as provided for in the preceding section.

Treasurer may draw for all moneys from state funds.

§ 18. The treasurer shall pay out the moneys received by him by virtue of this act only upon drafts drawn by the president and countersigned by the secretary of the board of education, which drafts shall not be drawn except in pursuance of a resolution or resolutions of said board, and shall be payable to the person or persons entitled to receive the money thereon, and shall state on what account said draft is drawn. The treasurer, when required to do so by the board of education, shall make to them a written statement of the moneys received and disbursed by him on their account, together with the amount in his hands at the time of such statement. At the end of his official term he shall settle with the said board of education, and pay to his successor in office, to the credit of the said board, all moneys remaining in his hands subject to their order. He shall be entitled to the same percentage for receiving and paying out the moneys committed to his charge by virtue of this act as he is by law entitled to receive. His compensation for receiving and disbursing the moneys committed to his charge by virtue of this act shall be determined by the board of education.

Treasurer not to pay out moneys except upon drafts by the president.

Treasurer to render account of moneys.

His percentage.

§ 19. The board of education may cause a suit or suits to be prosecuted, in their corporate name, upon the official bond of the treasurer or any collector of said village, for any default, delinquency or official misconduct in relation to the collection, safe-keeping and payment of any money in this act mentioned.

Board of education may prosecute in corporate name.

§ 20. The said board of education shall have power, and it shall be their duty:

Powers and duties of board.

1. To organize, establish and maintain such and so many schools in said union school district, including the common schools now existing therein, and including also any academy or high school, as they shall deem requisite and expedient, and to alter and discontinue the same.

To organize schools.

2. To purchase and hire school-houses and rooms, lots or sites for school-houses, and to fence and improve them.

School houses, sites, &c.

3. Upon such lots and sites owned by said village to build, enlarge, alter, improve and repair school-houses, out-houses and appurtenances as they may deem advisable.

4. To purchase, exchange, improve and repair school apparatus, books for pupils, furniture and appendages, and to provide fuel for the schools, pay the necessary insurance on buildings and school property, and to defray the contingent expenses of the school library.

To provide apparatus. Insurance.

5. To have the custody and safe-keeping of the school-houses and all school property belonging to said union district, and to see that the ordinances of the board in relation thereto be observed.

Custody of school property.

6. To contract with, examine, license and employ all teachers in said schools, and at their pleasure to remove them.

To employ teachers.

7. To pay* the wages of such teachers out of the money appropriated and provided by law for the support of common schools in said union district, or by this act.

To pay teachers' wages.

8. To defray the necessary contingent expenses of the board, including the annual salary of the secretary of the board.

Contingent expenses.

* So in original.

To super-
intend the
schools,
&c.

9. To have in all respects the superintendence, supervision and management of the schools of said district, and, from time to time, to adopt, alter, modify and repeal, as they may deem expedient, rules and regulations for their organization, government and instruction, or the reception of pupils, and their transfer from one class to another, or from one school to another, and generally for their good order, prosperity and utility.

To sell
school
property.

10. To sell any of the school-houses, lots or sites, or any of the school property now or hereafter belonging to the district, when authorized to do so by a majority vote at any regular or special election of the voters of the district, upon such terms as the board shall deem most advantageous; and the proceeds of all sales shall be paid to the treasurer of the village of Ithaca, and shall be by said board of education expended in the purchase, repairs or improvements of school-houses, sites or appurtenances, furniture or apparatus.

Proceeds,
how ex-
pended.

High
school or
academy
may be
estab-
lished.

Tax for,
submitted
to vote of
district.

Install-
ments.

§ 21. Whenever, in the opinion of the board of education, it shall become advisable to establish a high school or academy in connection with the school system by this act contemplated, and erect a suitable building therefor, they shall cause an estimate of the cost of a suitable site and building to be made, and shall cause the question of raising the amount required by tax to be submitted to the decision of the voters of the union school district, in such manner as they deem best calculated to procure a fair expression from said voters. In case the tax shall be voted, the same may be raised in installments, the amounts of which, and the times of payment, shall be left optional with the board of education. The provisions of this section shall extend to all amounts required for building school-houses, where the estimated cost exceeds three thousand dollars.

All the
estate,
real and
personal,
of Ithaca
academy
may be
transferred
to board of
education.

Primary,
or second-
ary, or
high
schools, or
either,
may be es-
tablished.

§ 22. The trustees of Ithaca academy are hereby authorized and empowered to transfer to the board of education hereby created, either immediately or at a future time, on such conditions as they shall deem most conducive to the cause of education, the right, title and interest in and to all the estate, real and personal, and all bequests belonging to said academy to be by them used in the purchase of a site, the erection of suitable buildings, the organization of an academic or high school, or for the maintenance of an academy in connection with the general free school system contemplated in this act. The board of education, if they shall deem it necessary, may, with the advice and consent of the board of trustees aforesaid, organize and maintain primary, secondary or high schools, or either of them in, or cause them to be taught in connection with, the Ithaca academy, on such terms and conditions, and for such time, as shall be deemed expedient by and between said board of education and the trustees of such academy.

Academy
to be sub-
ject to
visitation
of the re-
gents.
Partici-
pation in
literature
fund.

§ 23. The academy connected with the school system contemplated by this act, when organized, and when it has complied with the necessary requirements, shall be recognized as one of the academies of this State, subject to the visitation of the Regents, and shall be entitled to participate in the distribution or the income of the literature fund and other funds, in the same manner and upon the same conditions as the other academies of the State; and the Regents of the University of the State of New York shall pay annually to the board of education of Ithaca the distributive share of the said funds to which the said academy shall be entitled.

Annual
report.

§ 24. The board of education shall report annually the condition of the union school district of Ithaca to the school commissioner of the western district of Tompkins county, in the same manner and to the

same extent as other school districts are by law required to report. The said commissioners, in making apportionment of school money, shall designate the amount due said union district separate from other school districts in the town of Ithaca, and certify the amount due said district for teachers' wages and library, to the treasurer of the village of Ithaca and also to the treasurer of Tompkins county. The said treasurer of Tompkins county shall, upon the draft of the treasurer of the village of Ithaca, pay annually to him the sum thus certified as due the said union school district.

Commis-
sioners to
certify
amount
due union
district.
County
treasurer
to pay to
village
treasurer.

§ 25. Each member of the board of education shall visit all the schools in said union school district, at least once in each year of his official term, and the said board of education shall provide that each of said schools shall be visited by a committee of their number, at least once in each term, who shall report, in writing to said board the condition of each school, and make such suggestions as they may deem proper.

Visitation
of schools.

Report,
and sug-
gestions.

§ 26. The schools organized under this act shall be free to all pupils between the ages of five and twenty-one years who are actual residents of said union school district. The board of education shall decide all questions of residence arising under this section. The said board may allow the children of non-residents to attend the schools of said district, and shall prescribe the rates for the tuition of such non-residents, payable always in advance.

Schools
free to
residents.

Rates of
tuition of
non-resi-
dents.

§ 27. The said board of education shall be the trustees of the school district library of said union district, and all the provisions of law which are now in force, or hereafter may be passed, relative to school district libraries, shall apply to said board of education in the same manner as if they were trustees of a school district. They shall be vested with the same discretion as to the disposition of moneys, appropriated by the laws of this State for the purchase of libraries, which is therein conferred on the inhabitants of school districts, and they shall have power to purchase, exchange, repair or dispose of any books or other property of said library, or cause it to be done, and apply the proceeds to the purchase of other books or apparatus; also to provide suitable rooms and furniture for said library; and, further, they may appropriate for the benefit of said library, out of the moneys annually raised in said district by the school tax, an amount not exceeding one hundred dollars, in addition to the library money received from the State.

Trustees
of library.

Their dis-
cretion.

Their
powers.

Library
appropri-
ation.

§ 28. The title of the school-houses, sites, furniture, books, and all other school property belonging to the districts in this act mentioned, shall be vested in the union school district by this act created; and the same, while used or appropriated for school purposes, shall not be levied on or sold by virtue of any warrant or execution, or other process, nor be subject to taxation for any purpose whatever; and the said union school district, in its corporate capacity, shall be competent to take, hold and dispose of any real or personal estate transferred to it by grant, gift, bequest or devise, for the use of the common schools or academy of said union school district, whether the same be transferred in terms to said district by its proper style, or by any other designation, or to any person or persons, or corporation, for the use of said schools or academy.

School
property
vested in
district.

Not leviable or tax-
able.

District
may take,
&c., real
and per-
sonal
estate, by
grant, gift,
bequest or
devise.

§ 29. It shall be the duty of the board of education, between the first and fifteenth days of October, of each year, to prepare and publish in one or more of the newspapers printed in the village of Ithaca, a true and correct statement of the receipts and disbursements under the provisions

Annual
statement
of receipts
and dis-
burse-
ments to

be published.

What statement shall contain.

Catalogue.

Existing school offices, when terminated.

Trustees and collectors in such district to retain their powers for certain purposes.

Construction.

Duty of clerk to notify officer of his election.

Penalty for refusal to serve.

Prosecution for forfeitures and penalties.

Officers mentioned in this act deemed public officers.

Superintendent of schools.

His duties.

of this act for the preceding year, ending September thirtieth, in which account shall be stated under appropriate heads:

1. The money raised by the board of education under the tenth section of this act.

2. The school moneys received by the treasurer of the village from the county treasurer.

3. The moneys received by the treasurer of the village under the tenth section of this act.

4. All other moneys received by the said treasurer, subject to the order of the board of education, specifying the sources from which they shall have been derived.

5. The manner in which such sums of money shall have been expended, specifying the amount under each head of expenditures, and the person or persons to whom the money has been paid.

6. Such other information as they shall deem proper in regard to the condition of the schools under their care.

§ 30. The board of education may, whenever they think proper, prepare and publish a catalogue of any school or schools under their care, together with such other information as they may deem for the best interests of said schools.

§ 31. The various school district officers in each of the districts herein embraced shall terminate whenever this act shall take effect; and the board of education shall be chosen and organized and shall enter upon the duties of their office, except as herein otherwise provided. The trustees and collector in each district shall retain the power now by law vested in such officers, until they, by due diligence, shall have closed up all the unsettled business of their various districts and discharged all the indebtedness thereof, and for such purpose shall, if necessary, call meetings of all the inhabitants of such district, and when voted at a legally called meeting, shall levy and collect a tax sufficient to liquidate such indebtedness. Nothing in this section contained shall be construed to annul or interfere with the jurisdiction of school district officers over any territory or parts of school districts lying outside the boundaries of said union school district, as defined in the first section of this act.

§ 32. It shall be the duty of the clerk of the village, immediately after the election or appointment of any person to any office mentioned in this act, personally or in writing to notify him of his election or appointment, and any person who, without sufficient cause, shall refuse to serve therein shall forfeit the sum of ten dollars; and every person so elected or appointed, and not having refused to accept, who shall neglect to discharge the duties of such office, shall forfeit the sum of twenty dollars to said board of education. It shall be the duty of the said board of education, forthwith, to prosecute for all forfeitures and penalties under this act, when voluntary payment is refused; and when received to apply the same to the purpose of education in said district. All officers mentioned in this act shall be deemed public officers, within the intent and meaning of section thirty-eight of title six of chapter one, part four of the Revised Statutes, and, as such, liable to the penalties therein prescribed, in addition to the penalty in this section before provided.

§ 33. The board of education may, when they shall deem it advisable, appoint a superintendent of schools for the said union school district, who may, ex officio, be secretary of said board. He shall be under the direction of the board of education, and they shall prescribe his general duties. In addition to such other duties as may be devolved upon him

by the board, in the visitation and superintendence of the schools, he shall examine the qualifications of teachers, and grant certificates in such manner and form as may be prescribed by the State Superintendent; which shall not be in force longer than a year, and which may at any time be revoked by the board of education. He shall be paid a ^{His sala-} salary out of the general fund, to be fixed by the board of education, ^{ry.} and may be removed from office by the vote of a majority of all the members of said board.

§ 34. All former or existing acts or parts of acts conflicting or incon- ^{Repeal.} sistent with the provisions of this act are hereby repealed so far as they affect this act; but nothing in this act shall be so construed to limit, restrain or annul the powers of the Superintendent of Public Instruction. In all matters of dispute, which shall be referred to him by ^{Decision} appeal, and which shall arise under and by virtue of this act, or under ^{of state} and by virtue of any other act which is now, or shall hereafter be, applic- ^{superin-} cable to the schools, school officers or school property of or in said ^{tendent.} district, his decisions or orders shall be final and binding.

§ 35. This act shall take effect immediately.

Chap. 126.

AN ACT to amend an act entitled "An act to authorize the business of banking," passed April eighteenth, eighteen hundred and thirty-eight.

Passed April 6, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The fifteenth section of the act entitled "An act to authorize the business of banking," passed April eighteenth, eighteen hundred and thirty-eight, is hereby amended so as to read as follows:

§ 15. Any number of persons may associate to establish offices of ^{Offices of} discount, deposit and circulation, upon the terms and conditions, and ^{discount,} subject to the liabilities prescribed in this act, and the acts amendatory ^{&c., may} thereof; but the aggregate amount of the capital stock of any such asso- ^{be estab-} ciation or bank shall not be less than one hundred thousand dollars; ^{lished.} provided, however, that banks with a capital of not less than fifty thou- ^{Amount} sand dollars may, with the consent and approval of the Superintendent ^{capital.} of the Banking Department, be organized in any village or place, the population of which does not exceed six thousand inhabitants.

§ 2. This act shall take effect immediately.

Chap. 127.

AN ACT to amend an act entitled "An act in relation to lands of which parties die seized," passed May twenty-first, eighteen hundred and seventy-three.

Passed April 6, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of an act entitled "An act in relation to lands of which parties die seized," passed May twenty-first, eighteen

hundred and seventy-three, is hereby amended so as to read as follows:

Affidavit of heirs at law to be presented to surrogate.
Certificates to be indorsed.
Affidavits and certificates, to be recorded.

Evidence.

§ 2. Such affidavit, when so made, shall be presented to the surrogate of the county in which such real estate is situated, and said surrogate may, in his discretion, examine any witness or witnesses, under oath, as to the truth of the matters in such affidavit stated, and, upon being satisfied of the truth of all such matters, shall indorse upon such affidavit his certificate thereof, and thereupon the said affidavit thus indorsed, together with the proof so taken, shall be recorded in the county clerk's office of the county or counties where such lands are situated, unless there be a register's office in such county, in which case the same shall be recorded in such register's office in the same book and manner as deeds are now recorded; and from the date of such record, said affidavit, record and proof shall be taken and regarded in all courts and legal proceedings in this state, in respect to the succession of such real estate, as presumptive evidence of the facts therein contained, and by this act required to be stated.

§ 2. This act shall take effect immediately.

Chap. 128.

AN ACT to authorize the common council of the city of Binghamton to purchase land for a cemetery and a public park, in or outside of the limits of the city of Binghamton, and to lay out the same.

Passed April 6, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Common council authorized to borrow money.

Cemetery.

Park.

Bonds, how executed and attested.

When and in what amounts payable.

Lien.

SECTION 1. The common council of the city of Binghamton shall have power, and they are hereby authorized to borrow such sum of money as they may deem necessary, not exceeding seventeen thousand dollars, upon the corporation bonds of said city, at a rate of interest not exceeding seven per cent. per annum, and upon a term of credit not exceeding six years. An amount, not exceeding nine thousand dollars of the amount to be raised, is to be used for the purpose of purchasing land for cemetery purposes. An amount, not exceeding eight thousand dollars of the amount to be raised, is to be used for the purpose of purchasing land for a public park; the title to the land purchased shall be vested in the city of Binghamton. Said bonds shall be issued for the respective amounts and purposes, and shall be signed by the mayor of said city, and attested by the city clerk, under the official seal of said city; said bonds shall bear such date, and be payable in such amounts, as the common council may determine, but not exceeding three thousand dollars of the principal sum thereof shall become due in any one year, and no bonds issued in pursuance of this act shall be sold at less than their par value.

§ 2. Said bonds, principal and interest, shall be a lien upon all of the taxable property of said city, real and personal, and such property is hereby pledged for their payment; and the amount required to meet the annual interest and the installment of principal, as they shall become due, shall be levied and collected from the taxable property of said city, as other city taxes are levied and collected.

§ 3. The common council shall have power to govern and manage such cemetery and park; to lay out and regulate the same; to pass ordinances for such government and regulation; to employ a superintendent, civil engineer, or landscape gardener or keeper, and such other person or persons as may be necessary for the proper laying out and management of the cemetery and park; and they may direct the superintendent of streets and city property to manage and supervise such cemetery and park, and define their respective duties, and have authority to fix the amount of their compensation, and generally, in regard to said cemetery and park, they shall possess all the power and authority now conferred upon the common council in respect to city property, and all persons offending against the ordinances that may be passed for the regulation and management of the cemetery and park shall be deemed guilty of misdemeanor, and be liable to be punished, on conviction before the recorder or any magistrate of said city having jurisdiction, by a fine not exceeding fifty dollars or by imprisonment not exceeding thirty days, or both.

Powers of the common council as to cemetery and public park.
Superintendent of streets.

Compensation.

Misdemeanors.

§ 4. The common council shall have the power and authority to dispose of cemetery lots, at such price and on such terms as they may determine, and the moneys received for the sale of lots shall be paid to the city treasurer, and a separate account kept by him. The mayor and clerk of said city shall execute all conveyances authorized under this act and by the said council. The moneys received by the city for the sale of lots, and paid to the treasurer, may be used in ornamenting said cemetery and in laying out avenues therein, and in constructing approaches, and such other expenditure as may be necessary for the care and protection of the grounds, and for the erection of a lodge, or a keeper's house, gates, tool-house and vault, for the temporary reception of the dead. And in case the funds arising from the sale of lots exceed the legitimate necessary expenditures connected therewith, the common council may, at any time, apply any and all surplus of money arising from the sale of cemetery lots in paying off any of the bonded indebtedness of said city, as the debts become due, as they may determine.

Cemetery lots, sale of.

Conveyances.

Proceeds, how to be used.

Surplus moneys, how applied.

§ 5. The police department of the city of Binghamton shall be held to extend over the entire area of the cemetery and park herein provided for, and one or more policemen may be detailed to aid in preserving order and restraining offenders, as the common council may determine or direct, the chief of police to assign to that duty.

Police department.

§ 6. No expenditure of money, in or about the cemetery or park, shall be made, unless authorized by the common council at a meeting of the board. And all persons employed by the common council, except the officers regularly appointed under the charter of said city, shall hold their places of office or duty at the discretion of the common council.

Expenditure of money, how authorized.

§ 7. As soon after the passage of this act as two-thirds of the members of the common council of said city shall so determine by resolution, the said common council shall order a special election, at which the question shall be submitted, whether the tax authorized for the purpose aforesaid shall be levied and collected from the city, as in this act provided; and the said common council shall not proceed to make the purchase of land and to carry out the provisions of this act, except to obtain the terms upon which land can be purchased for the purposes herein designed, nor shall said mayor or clerk sign said bonds unless the majority of the voters voting at such special election shall vote in favor of said tax. Notice of such special election shall be given, and the same shall be held and conducted, and the votes given thereat canvassed, and a certificate made and filed, according to the provisions of title

Special election, question to be submitted.

Condition of issuing bonds.
Notice of special election.

Qualifica-
tion of
voters.

thirteen of the act incorporating said city, so far as the same may be applicable; and any person authorized by said title thirteen to vote at a special election, and no other, shall be entitled to vote at such special election. If, upon the canvass of the votes cast at such election, it shall appear that the majority of the votes were "For special tax," the common council shall be authorized to carry out the duty imposed upon them by this act.

§ 8. This act shall take effect immediately.

Chap. 129.

AN ACT to legalize the acts of John H. Mattice, as justice of the peace of the town of Broome, in the county of Schoharie.

Passed April 6, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Official
acts legal-
ized.

SECTION 1. All proceedings and official acts of John H. Mattice of the town of Broome, in the county of Schoharie, as justice of the peace, since the first day of January, eighteen hundred and seventy-two, are hereby legalized and confirmed, and shall be deemed of the same force and validity as if the said John H. Mattice had duly taken the oath of office as justice of the peace.

Official
oath.

§ 2. The said John H. Mattice is hereby authorized to take the oath of office prescribed by law within twenty days from the passage of this act, and which shall be as valid as if taken within the time now prescribed by law. Nothing herein contained shall affect any action or proceeding now pending in any court of this State.

§ 3. This act shall take effect immediately.

Chap. 130.

AN ACT authorizing the supervisor of the town of Kiantone, in the county of Chautauqua, to convey to the Maple Grove Cemetery Association the lands now held by the said town, and used for cemetery purposes.

Passed April 6, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Supervi-
sor autho-
rized to
convey
certain
lands to
the Maple
grove ce-
metery as-
sociation.

SECTION 1. The supervisor of the town of Kiantone, in the county of Chautauqua, is hereby authorized, upon the written consent of a majority of the legal voters of said town, to convey to the Maple Grove Cemetery Association, an association formed in said town under the act passed April twenty-seventh, eighteen hundred and forty-seven, entitled "An act authorizing the incorporation of rural cemetery associations," and the several acts amending the same, those certain pieces or parcels of land of which the said town or its supervisor is now seized, and which are used and occupied for cemetery purposes; and when such conveyance shall have been duly made, the said pieces or parcels of land shall be thereafter held, but for cemetery purposes only, by the said associa-

Funds to
be held for
cemetery
purposes.

tion for the benefit of the inhabitants of said town, and the members of said association, and shall be subject to the management and control of the trustees and officers of the said association.

§ 2. This act shall take effect immediately.

Chap. 131.

AN ACT to ratify and confirm the proceedings to incorporate the religious society known as "The Rector, Churchwardens and Vestrymen of the Church of the Heavenly Rest," in the city and county of New York, and to legalize and confirm its acts.

Passed April 6, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The certificate of the incorporation of "The Rector, Churchwardens and Vestrymen of the Church of the Heavenly Rest," in the city and county of New York, filed and recorded in the office of the clerk of the city and county of New York, on the thirtieth day of May, eighteen hundred and sixty-eight, is hereby declared to be valid and effectual to incorporate the said church, and the said church is hereby declared to be duly incorporated as a religious society in communion with the Protestant Episcopal Church in this State, under the name aforesaid, and to have invested said church, as and from that date, with all the powers and privileges, and subject to all the liabilities of incorporated religious societies, in communion with the Protestant Episcopal Church in this State.

§ 2. All acts and proceedings of the said church, under said certificate of incorporation, including the conveyance made by it and recorded in the office of the register of the city and county of New York, on the fifteenth day of July, eighteen hundred and seventy, in liber eleven hundred and thirty-seven of conveyances, at page four hundred and ten, are and each of them hereby is ratified and confirmed and declared to be in all respects valid and effectual, and all the real and personal estate whatsoever, now belonging to, and owned and possessed by, said church is hereby vested in said church as fully and completely as if the said church had been duly incorporated in accordance with the laws of this State for the incorporation of religious societies in connection with the Protestant Episcopal Church in this State, at the time of said acts and proceedings, and of the purchase and sale of said real and personal estate as aforesaid. Nothing herein contained shall affect any rights vested or actions or proceedings commenced before the passage of this act.

Acts of church ratified and confirmed.

Title confirmed.

Proviso.

§ 3. This act shall take effect immediately.

Chap. 132.

AN ACT to confirm and validate the agreement heretofore made between "The Society of the Church of the Puritans" and "The Second Presbyterian Church of Harlem," to become one organization.

Passed April 7, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

The society of the church of the Puritans and the second Presbyterian church of Harlem authorized to unite.

SECTION 1. "The Society of the Church of the Puritans," incorporated by that name or title on the tenth day of April, eighteen hundred and forty-six, by the recording of a certificate in due form, and duly acknowledged in the office of the register of the city and county of New York, in liber number two of religious incorporations, page one hundred and one, and "The Second Presbyterian Church of Harlem," incorporated by that name or title on the fourteenth day of December, eighteen hundred and seventy-one, by the recording of a certificate in due form, and duly acknowledged in the office of the said register, in said liber number two, page three hundred and fourteen, may, in pursuance of the agreement heretofore made between the said corporations, unite together and become one body corporate, in case the trustees of the said "The Society of the Church of the Puritans," or a majority of them, and the trustees of the said "The Second Presbyterian Church of Harlem," or a majority of them, shall, respectively, within thirty days after the passage of this act, make and sign a certificate that the society or church they represent accepts and adopts the provisions of this act, and acknowledges the execution thereof before an officer authorized to take the acknowledgment of deeds. Such certificate shall both be recorded in the liber of religious incorporations, in the office of the said register, who shall thereupon enter in the margin of the said certificates heretofore recorded, that the church or society therein mentioned has been united with another church or society under the provisions of this act.

Condition.

Certificates to be made and acknowledged. Certificates to be recorded.

Corporation, how perfected.

Corporate name.

Ministers and trustees.

Future selections thereof.

Church property.

§ 2. Upon the recording, as directed by the first section of this act, of the two certificates thereby authorized, signed and acknowledged as therein provided, the said "The Society of the Church of the Puritans" and the said "The Second Presbyterian Church of Harlem" shall be and become one corporate body, by the name or title of "The Society of the Church of the Puritans," and by that name or title, and none other, shall thereupon be called and known, and the separate existence of each of the said two incorporations shall then cease and determine. The present members of the said "The Second Presbyterian Church of Harlem," and their successors, shall be the members of "The Society of the Church of the Puritans," as the same shall thenceforth exist; and the present minister and trustees of the said "The Second Presbyterian Church of Harlem" shall be the minister and trustees of "The Society of the Church of the Puritans" as the same shall thenceforth exist, until others shall be selected at the times and in the manner now provided in respect to the said "The Second Presbyterian Church of Harlem," and all future selections of such minister and trustees shall be at such times and in such manner, except as such times and manner may thereafter be lawfully changed by "The Society of the Church of the Puritans." All the property, real and personal, of the said "The Society of the Church of the Puritans," and of the said "The Second Presbyte-

rian Church of Harlem," shall be and become the property of "The Society of the Church of the Puritans," as the same shall thenceforth exist, provided that all existing mortgages and other liens and charges upon any property of either of the said incorporations shall be and remain valid liens thereon, except that the mortgage given by the said "The Second Presbyterian Church of Harlem" to the said "The Society of the Church of the Puritans" shall be satisfied and discharged. And by virtue of the making and recording of the certificates authorized by this act, the provisions of this act shall thereupon and thenceforth be deemed and held to be a contract between the said incorporations.

All exist-
ing liens
remain
valid.

Excep-
tion.

§ 3. The said "The Society of the Church of the Puritans," as formed under the provisions of this act, shall be liable for all the debts and liabilities of the former corporations, in the same manner and as effectually as if said debts or liabilities had been contracted or incurred by it. And any action or proceeding now pending against either of said corporations may be continued against the new corporation, which shall be liable to the same extent as was the corporation against which the action or proceeding was first commenced.

Liability
of new
corpora-
tion.

Pending
actions.

§ 4. "The Society of the Church of the Puritans," as thereafter existing, shall provide and set apart, yearly, the sum of eight hundred and forty dollars, which shall be applied in such manner as shall be directed by the said society, for the delivery in each year of a course of lectures upon the evidences of christianity.

Annual
course of
lectures.

§ 5. This act shall take effect immediately.

Chap. 133.

AN ACT to authorize the village of Albion to raise money by tax to complete the new village hall.

Passed April 7, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The legal voters and taxable inhabitants of the village of Albion are hereby authorized to raise a sum of money not exceeding seven thousand dollars, in addition to the amount for that purpose now authorized by law, at the next, or any succeeding annual meeting, or at any special meeting called subsequent to the regular annual meeting for the present year, to complete the new village hall now in process of erection, and to pay for the lot on which the same stands.

Legal vo-
ters may
raise
money.

§ 2. Before the tax mentioned in section one of this act shall be voted for as aforesaid, a notice of the time and place of holding any meeting for that purpose, must be published by order of the trustees of said village, and signed by the president, for at least two weeks immediately preceding the time of holding the same, in the newspapers published in said village, stating that the legal voters and tax-payers will vote for or against the tax, specifying the object and stating the amount to be raised, the time of opening and closing the polls, and submitting a resolution in the following form:

Notice.

"Resolved, That the sum of seven thousand dollars, in addition to the amount now authorized by law, be raised by tax for the purpose of completing the new village hall, and to pay for the lot on which the same now stands."

Form of
resolu-
tion to be
submitted.

Ballots.

Inspection.

Qualifications of voters.

The vote shall be taken by ballot, which shall have printed, or partly written and partly printed on the inside, the words, "For the resolution" or "Against the resolution," and be deposited in a box to be labeled "village tax." Said ballots shall be canvassed, and certified returns made thereof by the inspectors of said vote to the trustees of said village. The trustees of said village shall appoint three persons to act as inspectors of said vote, who shall canvass the same, and have the same power and authority, and be governed by the same laws in all respects, so far as the same may be applicable thereto, as inspectors of elections in towns. If a majority of the ballots cast shall contain the words "For the resolution," then the said trustees shall have the power and shall proceed to levy, assess and collect the said sum of seven thousand dollars, upon the persons and property in said village liable to taxation, and the same shall be assessed, levied and collected in the same manner as other village taxes. No person shall be entitled to vote at said meeting who is not a legal voter in said village at the time, or whose name is not on the last assessment roll of the village or who has not paid a tax on real or personal property assessed to him thereon. The polls for the vote aforesaid shall be opened at seven o'clock P. M., and kept open until nine o'clock P. M. of the day specified in said notice. The canvass of the ballots shall take place immediately after the close of the polls and shall be public. The inspectors of said vote shall be entitled to receive the same compensation for their services as inspectors of elections of towns, and the same shall be paid by said village.

§ 3. This act shall take effect immediately.

Chap. 134.

AN ACT to provide for a lease of land to the Samaritan Home for the Aged of the City of New York.

Passed April 8, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Authority to lease.

Conditions, terms and annual rent.

SECTION 1. The commissioners of the sinking fund of the city of New York are hereby authorized to lease to the Samaritan Home for the Aged of the city of New York, a parcel of ground belonging to the said city of New York, bounded easterly by Third avenue, westerly by a line parallel with and distant eighty feet westerly therefrom, southerly by Sixty-sixth street, and northerly by Sixty-seventh street, for the charitable purposes of the said home, upon such terms and conditions and for such a term of years, and at such an annual rent as the other portions of the said block of ground between Third and Lexington avenues and Sixty-sixth and Sixty-seventh streets have heretofore been leased to other charitable institutions.

§ 2. This act shall take effect immediately.

Chap. 135.

AN ACT to amend the charter of the village of Fairport,
in the county of Monroe.

Passed April 8, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The title of an act entitled "An act to amend the incorporation of the village of Fairport, in the county of Monroe, passed April twelfth, eighteen hundred and sixty-seven," is hereby amended so as to read as follows: "An act to incorporate the village of Fairport, in the county of Monroe."

§ 2. Section two of an act entitled "An act to amend an act entitled 'An act to amend the incorporation of the village of Fairport, in the county of Monroe,'" passed April twelfth, eighteen hundred and sixty-seven, passed April twenty-seventh, eighteen hundred and sixty-nine, is hereby amended so as to read as follows:

§ 2. Section forty-one of said act is hereby amended so as to read as follows:

§ 41. The trustees shall have jurisdiction and control over all the drains, ditches and sewers in the street within said village, and they shall have power to construct new sewers within the streets in said village; enlarge and keep in repair any such drain, ditch or sewer, or any part thereof, when by them deemed necessary, and from time to time cleanse or cause the same or any part thereof to be done, and in their discretion they may defray the expenses thereof out of the highway fund, or other moneys belonging to said village not otherwise appropriated, or they may defray a part of such expenses out of the highway fund, or moneys not otherwise appropriated, and assess the balance upon any premises that shall be deemed benefited thereby, or they may assess the whole of any such expense upon any premises that shall be deemed benefited thereby, and whenever any such assessment shall be necessary, it shall be the duty of the assessors, when notified by the trustees, to examine the premises deemed to have been or to be benefited by any such drain, ditch or sewer, and assess the same upon any such premises according to the ratio of benefits received, and such assessment shall be levied and collected in the same manner as provided in the charter of said village in relation to sidewalks or other taxes. They may also, in their discretion, require the owners or occupants of any land, whereon any drain, ditch or sewer shall be, from time to time to repair and cleanse the same upon their respective premises as shall be directed by the trustees, and in default thereof, said trustees may cause it to be done, and assess and collect the expenses thereof in the same manner as is provided in respect to sidewalks, or they may sue the owner or occupants of said premises for the same in the corporate name of the village. The said trustees may discontinue any drain, ditch or sewer in said village, or any part thereof, at their discretion.

§ 3. The said village shall constitute a separate highway district within its corporate limits exempt from the superintendence of any except the board of trustees, who shall be commissioners of highways in and for such village, and shall have all the powers of commissioners of highways of towns in this State, subject to the provisions of an act

Jurisdiction of village trustees over streets, drains, &c.

Assessors, duty of.

Repairing and cleaning of ditches, &c.

Village to be a separate road district.

Trustees to be commissioners

of high-ways.

Proceed-
ings on
taking
land for
roads, &c.

Notice,
and ser-
vice of.

Hearing
before
board of
trustees.

Proceed-
ings to de-
termine
damages
for taking
lands for
streets,
&c.

entitled "An act for the incorporation of villages," passed April twentieth, eighteen hundred and seventy, and as such they shall have power to discontinue, lay out, open, widen, alter, change the grade or otherwise improve roads, avenues, streets, lanes, crosswalks and sidewalks; and for that purpose may take and appropriate any land in said village, but no road, avenue, street, lane or sidewalk shall be opened or altered unless all claims for damages, on account of such opening or altering, shall be released without remuneration, except on the written petition of at least ten freeholders residing in said village, which petition shall specify the improvement to be made, described* the land to be taken, state the owner or owners thereof, when known, and shall be filed in the office of the clerk of the village. On the presentation of such petition the trustees shall and must meet and examine the same, and if they decide the improvement shall be made they shall so decide by resolution, to be entered in the minutes of the board, and they shall thereupon put up, in five public places in said village, a correct description of the lands to be taken to make such improvement, and a notice that the trustees, at a place, and on a day and at an hour therein specified, not less than five days from the date and posting thereof, will meet and hear any objection that may be made to the taking of such land, or making such improvement, a copy of which notice must be served on the owner or owners of such land at least five days before said meeting, unless said owner is a non-resident of such village, in which case said notice and description must be deposited in the said village post-office, directed to said owner, at least twenty days before such meeting. Any person interested may be heard and introduce testimony before the board of trustees as to the matter, on the day specified in the notice, or on such other days as the board may appoint. After such hearing the trustees may deny the petition, or approve and declare by resolution, to be entered in their minutes, their intention to make the said improvements, and proceed to obtain possession of the lands described in the manner provided by this act.

§ 4. Whenever any road, avenue, street, lane or sidewalk is opened or altered, the damages claimed by reason thereof may be determined by agreement between the board of trustees and the persons claiming such damages; but in case the damages are not so determined or released, the board shall, on being notified by the president as in case of a special meeting or at a regular meeting, meet and cause a jury of six freeholders to be summoned to determine and award said damages. Five days' notice of the time and place of such meeting shall be given to the owner or owners of such lands, if residents of the village, and if not such residents, then notice shall be sent ten days before such meeting by mail, directed to the place of residence, if known, of such non-residents; the jury shall be sworn to faithfully and impartially execute their duty; shall examine the premises, hear the proofs and allegations of the parties and reduce the testimony to writing, if any is taken; and they shall determine and award to the owner or owners of such lands such damages as they will sustain by the proposed alteration or improvement that, after making allowances for any benefit which the said owner or owners may derive therefrom. The determination and award of the jury shall be signed by them and filed in the office of the village clerk and a copy served on the persons entitled to such award. If no appeal is made within twenty days

* So in original.

from the time of such service, the determination and award of such jury shall be final and conclusive on all persons interested. A copy of such award, certified by the clerk under seal of the village, shall * evidence of the same in all courts and places, and all actions and proceedings.

If no appeal, award is final.

§ 5. No trustee who is interested in any lands taken for such alteration or improvement shall act with the trustees when sitting as a board to determine the damages or to summon the* to award damages for taking such land.

Trustee interested, not to act.

§ 6. Any person interested therein may, within twenty days after notice of the award of the jury, appeal from such award, by petition to the county judge of the county where such village is situated, praying for the appointment of three commissioners residing in such county to review said award of said jury. The person appealing shall execute a bond to the village, in its corporate name, in the penal sum of two hundred and fifty dollars, with two sureties, who shall justify in twice the amount, conditioned for the payment of the fees of the said commissioners and costs of appeal, in case the award of the jury shall not be increased twenty dollars by said commissioners to each party appealing. Filing such bond with and serving a copy of said petition, with a notice of the time when, and the place where, the same will be presented to the said judge or the village clerk, shall operate as a stay of proceedings until the decision of the commissioners thereon. All persons appealing from the award of the jury for damages as to one single and continuous alteration of improvement, shall join in one petition and may execute a joint and several bond in two hundred and fifty dollars, with sureties, and conditioned as hereinbefore mentioned; and there shall be but one board of three commissioners appointed to review the award of such jury.

Appeal, proceedings on.

At the time mentioned in the notice, and when the commissioners are appointed, any person may be heard in the matter. The said judge shall, on hearing the parties, appoint three disinterested electors as commissioners residing in said county, but not in the village, to review the award of said jury, and determine and award the damages of the person or persons appealing. Immediate notice shall be given by some of the persons appealing to the persons designated as commissioners, and if any one declines, or is disqualified, the judge shall appoint some disinterested person, an elector, residing in said county, but not in the village, to fill the vacancy. Said commissioners shall meet at such village within ten days after being notified of their appointment. They shall give the president of the village five days' notice of the time and place of their meeting; shall be sworn to do their duty; shall have power to compel attendance of witnesses by subpoena; shall examine the premises and hear the proofs and allegations of the parties, and shall award such damages to the parties appealing as they shall deem just. The award of the commissioners shall be signed by them, and be returned to the president of the village within fifteen days after the first meeting of the commissioners, and shall be filed with the clerk. Said award shall be final and conclusive on all persons interested, and the board of trustees may thereupon take possession of the land and make the said alteration or improvement.

Commissioners to be appointed to review award.

Duties and powers of commissioners.

Their award.

On declaring the award, the commissioners shall each be paid by the treasurer of the village three dollars per day for their services, and the amount so paid shall be collected by suit, if not otherwise paid, with

Their compensation.

other proper expenditures made by and for the village in and about such appeal, on the bond referred to in this section, given by the person or persons appealing, in case the person or persons appealing are liable to pay the costs of the appeal under the provisions of this act. In all cases of appeal under this section, the judge to whom the appeal is made shall, by order, appoint guardians for any infant, lunatic or idiot interested in said proceedings.

Guardian
for infant,
lunatic,
or idiot.

Amount of
damages
awarded,
to be as-
sessed.

Award,
when
payable.

Award
may be
paid to
county
treasurer,
when.

§ 7. Whenever a final award is made for damages sustained by reason of making such alteration or improvement, the persons acting as assessors may, within twenty days thereafter, assess the amount of such damages upon the estates, real and personal, in said village, and make out an assessment roll of such damages, which assessment roll shall be signed by the president and filed with the clerk, and be collected in the same manner as the annual tax is collected; and the trustees shall, within one year from the time of such final award, pay or tender the amount of such damage to the persons to whom the same shall have been awarded; and in case such owner shall refuse the same, or be unknown, or a non-resident of said village, idiot or lunatic, or the rights and interests of persons claiming the same shall be doubtful, it shall in such cases be lawful for the board of trustees to pay the amount of such damages to the county treasurer of the county where said lands are situated, for the benefit of such person or persons as may be entitled to the same, accompanied by the statement of the facts under which such payment was made. The board of trustees shall cause the clerk of such village to make an entry in the village records of the money deposited, stating amount of the names* of the parties by the awards declared to be entitled to the same. On the proper person or persons being ascertained who are entitled to receive such money, the president of the village is authorized to draw an order on said county treasurer, countersigned by the clerk, and payable to the order of the person or persons entitled to such money, for the amount due such person or persons.

§ 8. Sections forty-one, forty-three, forty-four and forty-five of the act hereby amended, and all provisions thereof inconsistent with this act, are hereby repealed.

Chap. 136.

AN ACT to incorporate "The Herkimer and Middleville Stone Road."

Passed April 8, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Dean Burgess, Peter Countryman, Samuel Earl, Henry D. Ellison and Bela Palmer are hereby created a body corporate, under the name of "The Herkimer and Middleville Stone Road," for the purpose of improving and keeping in repair the public road leading from the village of Herkimer to Middleville, in the county of Herkimer.

Corpora-
tors.

Corporate
name.

Rights of
corpora-
tion over
road.

To be kept
in repair.

§ 2. Said corporation shall take charge of the said road from the hydraulic canal in the village of Herkimer to the West Canada creek bridge in Middleville, and shall have all the rights in and over the said road which commissioners of highways have in and over public roads under their charge, and it shall improve and at all times keep the said road in good repair and condition for public travel, so far as the means

* So in original.

at its command will permit; except that the two bridges now over the West Canada creek, on the line of said road, shall, as heretofore, be maintained and kept in repair by the commissioners of highways of the respective towns in which they are located.

Bridges over West Canada creek.

§ 3. For the purpose of realizing the funds to improve and keep the said road in repair, the said corporation may erect and keep upon the line of said road one or more toll gates, at which it may take toll from all persons driving horses, vehicles or animals upon said road, such toll in no case to exceed the rate authorized to be charged and taken by turnpike companies by the general laws of the State. The rates of tolls shall be so regulated that the aggregate amount taken shall not exceed the amount of funds necessary to pay the ordinary expenses of the corporation and to improve and keep the said road in repair; and in case any person shall feel aggrieved by the rate of toll taken, he may make complaint in writing to the county judge of Herkimer county, who shall cause notice thereof to be given to the said corporation; and after hearing the parties if he shall be of the opinion that such rate is too high for the purposes contemplated by this act, he may reduce the same and establish a rate which shall regulate the toll to be taken for the ensuing year.

Toll gates, one or more authorized.

Rates of toll.

Aggregate amount of tolls.

Grievances.

County judge may fix rate of toll.

§ 4. The same persons are exempt from paying toll upon said road as are by law exempt from paying toll upon turnpike roads; and every person who shall willfully break or throw down any toll gate on said road, and every person who shall forcibly or fraudulently pass such gate without having paid the regular toll shall, for each offense, forfeit to said corporation the sum of ten dollars in addition to the damages resulting from his wrongful act.

Exemption.

Breaking down toll gates, &c.

Penalty.

§ 5. The said corporation shall annually render an account, verified by the oath of its treasurer, of all its receipts and expenditures in items, to the board of trustees of the village of Herkimer; which account, so verified, shall be filed with the clerk of said village and remain in his office.

Annual account.

§ 6. The said corporation shall be vested with all the property and money now in the hands and under the control of the commissioners appointed under chapter two hundred and eighty-eight of the laws of the State of New York of eighteen hundred and seventy-two; and such commissioners are hereby required to transfer to such corporation all of such property and money, the same to be used for the purposes of such corporation.

Property and money in hands of commissioners, vested in the corporation.

§ 7. The persons above named shall be the directors of said corporation, and the directors thereof shall hold their respective offices so long as they shall live in the county of Herkimer, unless they shall sooner resign. In case of a vacancy in the board of directors, occasioned by death, resignation or removal from the county, the same shall be filled by the county court of Herkimer county by an order to be entered in its minutes, and no director shall receive any compensation for his services in performing the duties required of him under this act. Any director may resign his office by a written notice to that effect, signed by him and delivered to the county judge of Herkimer county.

Directors and their term of office.

County court to fill vacancies in board of directors.

Resignation.

§ 8. Every person liable to do highway labor, living or owning property on the line of said road, may make application in writing to the commissioner or commissioners of highways of their respective towns, on any day previous to the time of making the highway warrants by such commissioners, that their respective assessments for highway labor be set off for the said road. It shall then be the duty of the highway com-

Assessments of highway labor may be set off for said road.

Directors may have such highway labor worked.

Powers of directors as to highway labor.

Commutation.

Powers and liabilities.

missioner or commissioners, of each town in which any of such persons may reside, to make a separate list of such persons and their property so assessed, as commissioners are now by law required to make for every separate road district, which shall be delivered to some one of the directors of such road, who shall proceed to have said highway labor worked on such road in the same manner as overseers of highways are required by law to do. The said directors shall possess all the powers and have the same authority to compel the performance of such highway labor, or the payment of such highway tax, as the overseers of highways now have by law, and shall make like return to the commissioners of highways. Any person so assessed may commute for the tax assessed upon him or his property, by paying the sum fixed by law to any of said directors.

§ 9. Such corporation shall possess the powers and be subject to the liabilities prescribed by the third title of the eighteenth chapter of the first part of the Revised Statutes.

§ 10. The legislature may at any time alter, modify or repeal this act.

§ 11. This act shall take effect immediately.

Chap. 137.

AN ACT to authorize the laying out of public highways upon and across the Onondaga Indian reservation, in the county of Onondaga.

Passed April 8, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Jurisdiction of commissioners of highways to lay out roads in Onondaga Indian reservation.

Consent.

Indians exempt from highway labor.

SECTION 1. The commissioners of highways in the towns in the county of Onondaga, in which the Indian reservation known as the Onondaga Indian reservation lies, shall have the same power and jurisdiction over such reservation, in their respective towns, to lay out public and private roads over, across and upon the same, and to exercise the same supervision and control over the same as is conferred upon commissioners of highways generally by part one, chapter sixteen, article four of the Revised Statutes; provided that the consent of the Indians residing upon such reservation shall first be obtained, through their agent, for the laying out of any such public or private highways; but nothing herein shall authorize or empower the said commissioners to require the said Indians to perform any labor upon any highway so laid out, and no compensation shall be required to be awarded to said Indians for lands taken for any such highways.

All notices may be served upon the agents of the Indians.

§ 2. All notices and papers required to be served by commissioners of highways, preliminary or otherwise to the laying out of a highway by law, may be served upon the agent of said Indians in proceedings to lay out highways upon and across said reservation, and such service shall have the same force and effect in such proceedings as the service of such notice and papers now have by law when served upon individuals.

Appeal.

§ 3. The said Indians, through their agent, shall have the same right of appeal from the decisions of said commissioners as is now conferred upon individuals by law.

§ 4. This act shall take effect immediately.

Chap. 138.

AN ACT to incorporate the fire department of the village of Saugerties.

Passed April 8, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All such persons as now are or hereafter may be engineers of the fire department of the village of Saugerties, or who may be members of any company, recognized by the board of directors of said villages as belonging to the fire department thereof, are hereby constituted a body corporate and politic by the name of "The Fire Department of the Village of Saugerties," and by that name shall have perpetual succession, and may sue and be sued in any court of competent jurisdiction, and they and their successors, by said name, are authorized to purchase or receive by gift or otherwise (subject, however, to all provisions of law now existing relative to devises and bequests by last will and testament), hold and convey any real or personal property for the use of said corporation, not exceeding in value the sum of ten thousand dollars, and shall have and be entitled to all the rights and benefits conferred upon the fire department of other villages by an act of March thirtieth, one thousand eight hundred and forty-nine, in relation to insurance companies.

Corporators.

Corporate name.
Corporate powers

§ 2. The general business and objects of said corporation shall be to accumulate a fund for the relief of indigent members of said fire department, disabled while actually doing duty as firemen, and of such persons as shall have become entitled to and have received their certificates of exemption as firemen; and of the families of all the aforesaid persons, which fund shall be appropriated and used in no other manner.

Objects of the corporation.

§ 3. The chief engineer and assistant engineers, elected and to be elected by the fire department of said village under the charter thereof, shall be ex-officio, and without any further election, trustees of said corporation and each of the companies belonging to said fire department, shall, on the first Tuesday of May next, elect by ballot two of the acting members of such companies who shall also be trustees of said corporation, one of whom shall be elected for and shall hold his said office one year, and one shall hold his office for two years, and annually thereafter on said first Tuesday in May, the said companies shall elect each one trustee of said corporation, who shall hold his office for two years. In case any vacancy shall occur in the office of any of the trustees elected by said companies, the same shall be filled at the next annual election for the unexpired or full term, as the case may be. The chief engineer shall be president of the board of trustees, and the assistant engineers shall be vice-presidents thereof. In their absence the board shall designate some of their number to serve as president. The said board shall have power to appoint a treasurer and clerk of said corporation. A majority of the trustees shall constitute a quorum for the transaction of business, but the affirmative vote of at least two-thirds of all members composing the board shall be requisite in making any order for payment or authorizing the investment of any moneys, or the sale or transfer of any stock, securities or property belonging to said corporation. The treasurer and clerk shall respectively give

Trustees.

Term of office.

Vacancies, how filled.

Chief engineer, president board of trustees.

Business quorum.

Payments of money require a two-thirds vote.

Security by treasurer and clerk. such security for their fidelity and good conduct as the board of trustees may from time to time require. The board of trustees as such shall not, directly or indirectly, receive any pay or emolument for their services.

Powers of board of trustees. § 4. The business of said corporation shall be managed by said board of trustees. They shall have power, from time to time, to make, alter and amend such by-laws, rules and regulations as they shall deem proper for managing and conducting the affairs of said corporation, provided such rules and regulations are not repugnant to this act, nor to the Constitution and laws of this State or the United States.

Provisions of revised statutes applied. § 5. This corporation shall be subject to the provisions of the eighteenth chapter of the first part of the Revised Statutes, so far as the same are applicable.

Exemptions. § 6. In addition to the exemptions now provided by law, the members of this department, after completing a service of five years or over in the fire department of said village, shall be exempt from serving as jurors in all courts of this State. The real and personal property of this department shall be exempt from taxation.

Certificate of chief engineer and foreman, effect of. § 7. A certificate, signed by the chief engineer and foreman of the company to which any member of the department belongs, and bearing the seal of this corporation, declaring the term and time the said member has served as a fireman in said village, or that the time of service of said member as required by this act, has been fully completed, shall be sufficient to entitle him to all the privileges and exemptions secured to firemen of this department by this act.

Certain funds, how applied. § 8. The funds of said corporation which shall arise from certificates, money paid by insurance companies in pursuance of law, donations, or the income of such funds, and all penalties and fines arising from violations of any and all ordinances of the board of directors of said village for the prevention of fires, and which fines and penalties, when collected, shall be paid over forthwith to the treasurer of this corporation, shall be appropriated by said trustees for the relief of indigent and disabled firemen, whether in actual service or who shall have received certificates of exemption as firemen under this act, or their families, in such manner as shall be directed by said trustees. And if the funds of said corporation shall at any time exceed the sum of ten thousand dollars, the excess over and above such sum may, by a two-thirds vote of all of said trustees, be distributed pro rata to and among the several fire companies of said village, in proportion to the average number of members belonging to each company for the two years immediately preceding such distribution of said funds, and when so distributed the same shall belong to each of said companies respectively.

Distribution of excess.

§ 9. This act shall take effect immediately.

Chap. 139.

AN ACT to authorize the trustees of "The Bay Side Cemetery Association of the town of Potsdam" to purchase and convey land formerly owned by Liberty Knowles, situate in the village and town of Potsdam, St. Lawrence county, and State of New York, and also other lands owned by Noble S. Elderken, situate in the said village, and to remove the remains of bodies now interred therein.

Passed April 8, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The trustees of the Bay Side Cemetery Association of the town of Potsdam are hereby authorized to purchase from the several owners thereof and to hold the following lands situate in the village and town of Potsdam, county of St. Lawrence, and State of New York. The first lot or parcel of land is situate on the easterly side of the railroad in said village, and formerly owned by Liberty Knowles, and heretofore laid out or used, or intended to be used, as a burying ground. The second lot or parcel of land lying westerly of Pierrepont avenue in said village, and between said street and Racket river, and owned or occupied by Noble S. Elderken, and now or formerly used as a burying ground.

Cemetery association may purchase lands.

Description.

§ 2. The said trustees of Bay Side Cemetery Association are hereby authorized to remove, in the manner herein provided, the remains of bodies interred in each or either of said lands or burying grounds, and re-inter the same in the cemetery now owned by said association.

Removal of remains authorized.

§ 3. The said trustees of Bay Side Cemetery Association shall, before the removal of such remains, cause to be printed in a weekly newspaper in said village of Potsdam, for at least four successive weeks, a notice that, unless the relatives or friends of persons buried in said lands shall cause their remains to be removed on or before a time specified in such notice, not less than six weeks from the last publication thereof, the removal will be made by said trustees.

Trustees to give notice.

§ 4. The said trustees, in case of the removal of the said remains by them, shall put the remains of each person in a suitable box and re-inter the same in a proper manner in the cemetery aforesaid, and the place of interment shall be marked by the monuments now standing over the graves, or in case there shall be no monuments, the place shall be designated by a plain board, with the name of the person thereon, when it can be ascertained; and members of the same family shall be re-interred in contiguous graves.

Remains to be re-interred.

Monuments, &c.

§ 5. Upon the removal of said remains from said lots, or either of them, as aforesaid, the said lands from which said removal shall be made shall cease to be a burial ground, and further interments therein are hereby prohibited, and the said "Bay Side Cemetery Association of the town of Potsdam" may thereupon sell said lands, or either of them.

Further interments prohibited.

§ 6. This act shall take effect immediately.

Chap. 140.

AN ACT to amend an act entitled "An act authorizing the construction of a bridge across the Hudson river at the city of Troy," passed April twenty-third, eighteen hundred and seventy-two.

Passed April 8, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Bridge,
time for
completion of,
extended.

SECTION 1. The time within which the bridge authorized by "An act authorizing the construction of a bridge across the Hudson river at the city of Troy," passed April twenty-third, eighteen hundred and seventy-two, shall be completed for use as provided by said act, is hereby extended for the term of one year from the twenty-third day of April, eighteen hundred and seventy-four.

§ 2. This act shall take effect immediately.

Chap. 141.

AN ACT to amend the charter of the village of Little Falls, New York.

Passed April 8, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The act reincorporating the village of Little Falls, passed April tenth, eighteen hundred and fifty, as amended by the several acts amendatory thereof, is amended as follows:

Section eleven of said act is hereby amended so as to read as follows:

Annual
meeting
must de-
termine
sum to be
raised on
taxable
property
of village.

§ 11. The annual meeting, in addition to the election of officers, must determine the sum to be raised on the taxable property of the village, not to exceed the sum of seven thousand dollars, for the ordinary expenses of the village annually. The failure or omission to determine the sum to be raised shall be deemed the adoption of the sum ordered to be raised for that purpose the last preceding year.

§ 2. Subdivision three of section twenty-nine of said act is amended so as to read as follows:

Fire, and
hook and
ladder
compa-
nies.

3. To organize and keep in good and efficient organization three fire-engine companies and one hook and ladder company of not exceeding sixty men each, two hundred and forty men in all; the members of each company to do duty in cases of fire in aiding any other company when so required by the chief fireman or president or by the foreman of the company to which they belong.

§ 3. Section thirty-seven is amended so as to read as follows:

Annual
assess-
ment roll,
trustees to
make.

§ 37. The trustees must, as soon after the annual election as they may deem necessary, proceed to make the annual assessment roll and valuation of property liable to assessment and taxation in the village, and shall assess thereon as they may deem necessary, besides sums received and estimated to be received from other sources, to defray the ordinary expenses of the village for the current year, not to exceed the amount

allowed for that purpose at the annual meeting, also any sum directed to be raised for a special purpose, which, under the provisions of this act, can be raised in that year. The aggregate for special purposes in no case to exceed one thousand dollars, and the aggregate for ordinary not to exceed seven thousand dollars in one year. They must also, in addition, determine the number of days of highway labor to be assessed for every thousand dollars valuation on the assessment roll, which must not be less than two nor more than four for every thousand dollars.

Aggre-
gate.

Highway
labor.

§ 4. Section fifty-nine is amended so as to read as follows:

§ 59. The chief fireman, subject to the direction of the trustees, has the general management and control of the fire department of the village, and it is his duty:

Chief fire-
man, his
powers
and
duties.

1. To see that the public cisterns, reservoirs and other means of providing water, the fire-engines, engine-hose, the hooks and ladders, and other means and apparatus for the prevention and extinguishment of fires, are at all times in proper condition.

2. To be present at fires of buildings and to take the chief direction and general management of the companies.

3. To enter any building or authorize any assistants to do so when he has reason to apprehend that any fire-place, stove, pipe or ashes are in a dangerous or insecure condition, and to cause the same to be made safe at the expense of the owner or proprietor.

§ 5. This act shall take effect immediately.

Chap. 142.

AN ACT to extend the limits of union free school district number one, of the town of Ovid, in the county of Seneca, and to dissolve school districts numbers three and four, in the town of Romulus, in said county.

Passed April 9, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The limits of union free school district number one, of the town of Ovid, in the county of Seneca, are hereby extended so that the boundaries of said district shall hereafter be as follows, namely: Beginning at the northwest corner of military lot number two, in the town of Ovid, and running thence south to the southwest corner thereof; thence east along the south line of said lot to the northwest corner of military lot number eight in said town; thence south to the southwest corner thereof; thence east to the southwest corner of military lot number ten in said town; thence north to south line of lands of Caleb F. Smith; thence east to the southeast corner of lands occupied by John I. Graves; thence easterly to the center of the highway and east line of said lot number ten where the highway running southeasterly from Ovid village intersects the east line of said lot number ten; thence north along said line and through military lot number four in said town, and along the east line of military lot number ninety-seven, in the town of Romulus, to the northeast corner of lands of Hugh Chapman; thence west along said Chapman's land to an in-corner thereof; thence north to lands of Abram B. Johnson; thence west to the southeast corner of lands of Hiram Johnson; thence north along the east line thereof to the center of the highway and south line of military lot number ninety in said

Bounda-
ries of
school
district es-
tablished.

town of Romulus; thence east along said line and highway to the southeast corner of said Johnson's land; thence north to the north line of said lot number ninety; thence west along the north line of military lots numbers ninety, eighty-nine and eighty-eight, in said town of Romulus, to a point north of the west line of lands of Joseph Dunlap and military lot number eighty-eight, in said town of Romulus; thence southerly along said line and others to the north line of lands of David W. Kinne; thence west along said lands to the west line of military lot number eighty-eight, in said town of Romulus; thence south along said line and the west line of military lot number ninety-five in said town of Romulus, to the southwest corner of said lot number ninety-five; thence west to the place of beginning; and the territory embraced in the above description shall hereafter constitute the said union free school district.

Dissol-
tion of
districts.

§ 2. School districts numbers three and four, in the town of Romulus, are hereby dissolved, and so much of the territory now constituting said district number three as is not embraced in said union free school district number one of the town of Ovid, as the boundaries thereof are fixed and established by section one of this act, is hereby annexed to and shall hereafter constitute a part of school district number seven of said town of Romulus, and the limits of said last named district are hereby so extended as to include such territory. And so much of the territory now embraced in said school district number four of the said town of Romulus as is not embraced in said union free school district, as the boundaries thereof are fixed and established by section one of this act, is hereby annexed to and shall hereafter constitute a part of school district number six in said town of Romulus, and the limits of said last named school district are hereby so extended as to embrace such territory.

Super-
visor to sell
property
of districts
dissolved.

§ 3. The supervisor of the town of Romulus shall sell the property of said districts numbers three and four in said town of Romulus, dissolved by this act, and shall dispose of the proceeds of such sale in the manner prescribed by section nine of title six of chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four. And said supervisor is hereby authorized and empowered to execute any and all deeds or instruments necessary and proper for conveying the title to such property, and the said supervisor may demand, sue for and collect, in his name of office, any moneys of said districts numbers three and four outstanding in the hands of any of its former officers or any other person, and after deducting his costs and expenses, shall report and pay over the balance to the school commissioner of the county of Seneca, who shall dispose of the same in the manner prescribed in section ten of title six of chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four. Sections eleven and twelve of said title six are hereby made applicable to said districts numbers three and four in said town of Romulus.

Super-
visor autho-
rized to
execute
deeds.

To collect
moneys
owing to
districts.

Disposi-
tion of
proceeds.

§ 4. This act shall take effect immediately.

Chap. 143.

AN ACT to authorize the formation of corporations for the erection and keeping of hotels.

Passed April 9, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. At any time hereafter any five or more persons who may desire to form a company for the business of erecting buildings for hotel purposes or keeping hotels, or for either or both of such purposes, may make, sign and acknowledge, before some officer competent to take the acknowledgment of deeds, and file in the office of the clerk of the county in which the business of the company shall be carried on, and a duplicate thereof in the office of the Secretary of State, a certificate in writing, in which shall be stated the corporate name of the said company and the object for which the company shall be formed; the amount of the capital stock of the said company, which shall not be less than ten thousand dollars nor exceeding one million dollars; the term of its existence not to exceed fifty years; the number of shares of which the stock shall consist; the number of trustees and their names, who shall manage the concerns of the said company for the first year, and the name of the place in which the operations of the said company are to be carried on.

Certificate of incorporation.

Where to be filed.

Contents of certificate. Amount of capital.

Trustees.

§ 2. When the certificate shall have been filed, as aforesaid, the persons who shall have signed and acknowledged the same, and their successors, shall be a body politic and corporate, in fact and in name, by the name stated in such certificate, and by that name have succession, and shall be capable of suing and being sued in any of the courts of this State; and they and their successors may have a common seal, and may make and alter the same at pleasure; and they shall, by their corporate name, be capable in law of purchasing, holding, leasing and conveying any real and personal estate whatever, which may be necessary to enable the said company to carry on its operations named in such certificate.

Corporation, when perfected.

Capacity and powers of corporation.

§ 3. The stock, property and concerns of such company shall be managed by not less than three nor more than nine trustees, who shall respectively be stockholders in such company and citizens of the United States, and a majority of whom shall be citizens of this State, who shall, except the first year, be annually elected, by the stockholders, at such time and place as shall be directed by the by-laws of the company; and public notice of the time and place of holding such election shall be published, not less than ten days previous thereto, in a newspaper printed in the town or city in which or nearest to the place where the operations of the said company shall be carried on, and the election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy. All elections shall be by ballot, and each stockholder shall be entitled to as many votes as he owns shares of stock in the said company, and the persons receiving the greatest number of votes shall be trustees; and when any vacancy shall happen among the trustees, by death, resignation or otherwise, it shall be filled for the remainder of the year in such manner as may be provided for by the by-laws of the said company.

Trustees, their number, &c.

Election notice, how given.

Stockholders may vote in person or by proxy.

Vacancies, how filled.

§ 4. In case it shall happen at any time that an election of trustees shall not be made on the day designated by the by-laws of said com-

Failure to elect trustees, not

pany, when it ought to have been made, the company for that reason shall not be dissolved, but it shall be lawful on any other day to hold an election for trustees in such manner as shall be provided for by the said by-laws; and all acts of trustees shall be valid and binding as against such company, until their successors shall be elected.

Officers. § 5. There shall be a president of the company, who shall be designated from the number of the trustees, and also such subordinate officers as the company by its by-laws may designate, who may be elected or appointed, and required to give such security for the faithful performance of the duties of their office as the company by its by-laws may require.

Security may be required. § 6. It shall be lawful for the trustees to call in and demand from the stockholders respectively, all such sums of money by them subscribed, at such times and in such payments or installments as the trustees shall deem proper, under the penalty of forfeiting the shares of stock subscribed for and all previous payments made thereon, if payment shall not be made by the stockholders within sixty days after a personal demand of the same or notice requiring such payment shall have been published for six successive weeks, in a newspaper printed in the city or town in which or nearest to the place where the business of the company shall be carried on as aforesaid.

Trustees may call in subscriptions of stock. § 7. The trustees of such company shall have power to make such prudential by-laws as they shall deem proper, for the management and disposition of the stock and business affairs of such company, not inconsistent with the laws of this State, and prescribing the duties of officers, artificers and servants that may be employed, for the appointment of all officers, and for carrying on all kinds of business within the objects and purposes of said company.

Forfeiture for non-payment. § 8. The stock of such company shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the company; but no shares shall be transferable until all previous calls thereon shall have been fully paid in, or shall have been declared forfeited for the non-payment of calls thereon. And it shall not be lawful for such company to use any of its funds in the purchase of any stock in any other corporation, or to hold the same, except as collateral security to a prior indebtedness.

By-laws. § 9. The copy of any certificate of incorporation filed in pursuance of this act, certified by the county clerk under his official seal to be a true copy, and of the whole of such certificate, shall be received in all courts and places as presumptive legal evidence of the facts therein stated.

Stock deemed personal estate. § 10. No person holding stock in any such company, as executor, administrator, guardian or trustee, and no person holding such stock as collateral security, shall be personally subject to any liability as stockholder of such company; but the person pledging such stock shall be considered as holding the same, and shall be liable, as a stockholder, accordingly; and the estate and funds in the hands of such executor, administrator, guardian or trustee, shall be liable in like manner and to the same extent as the testator or intestate, or the ward, or person interested in such trust fund, would have been if he had been living and competent to act and hold the same stock in his own name.

Not to purchase stock in another corporation. § 11. Every such executor, administrator, guardian or trustee shall represent the share of stock in his hands at all meetings of the company, and may vote accordingly as a stockholder; and every person who shall pledge his stock as aforesaid may, nevertheless, represent the same at all such meetings, and may vote accordingly as a stockholder.

Evidence.

Personal liability, exemption from.

Pledge of stock, effect of.

Trust estate, how far liable.

Trustee, &c., may vote as stockholder.

§ 12. The said company shall be subject to the same liabilities as natural persons for all the purposes of this act; and shall be liable in the same manner and to the same extent as the proprietors of other hotels are liable, for loss, injury or destruction of the property of guests, except as may be otherwise provided by special written contract; but this section shall not be construed so as to make said company liable as hotel keepers in case said company shall have leased said hotel.

Liability of company to guests.

§ 13. Each stockholder of said company shall be jointly, severally and individually liable to the creditors of, or those holding claims against, said company, to an amount equal to the amount of stock held by him or her in said company, for all the debts and liabilities of the company, but shall not be liable to an action therefor before an execution shall be returned unsatisfied, in whole or in part, against the company, and then the amount due on such execution shall be the amount recoverable, with costs, against such stockholders.

Stockholder liable for debts of company to amount of his stock.

§ 14. It shall be the duty of the trustees of every such corporation or company to cause a book to be kept, by the treasurer or clerk thereof, containing the names of all persons, alphabetically arranged, who are, or shall within six years have been, stockholders of such company, and showing their places of residence, the number of shares of stock held by them respectively, and the time when they respectively became the owners of such shares, and the amount of stock actually paid in; which book shall, during the usual business hours of the day, on every day except Sunday, and the thirtieth day of May, the fourth day of July, the twenty-fifth day of December and the first day of January, be open for the inspection of stockholders and creditors of the company, who have obtained judgment upon their claims, upon which execution has been returned unsatisfied in whole or in part, and their personal representatives, at the office or principal place of business of such company, in the county where its business operations shall be located; and any and every such stockholder, creditor or representative shall have a right to make extracts from such book; and no transfer of such stock shall be valid for any purpose whatever, except to render the person to whom it shall be transferred liable for the debts of the company according to the provisions of this act, until it shall have been entered therein, as required by this section, by an entry showing to and from whom transferred. Such book shall be presumptive evidence of the facts therein stated in favor of the plaintiff in any suit or proceeding against such company or against any one or more stockholders. Every officer or agent of any such company who shall neglect to make any proper entry in such book, or shall refuse or neglect to exhibit the same, or allow the same to be inspected and extracts to be taken therefrom, as provided by this section, shall be deemed guilty of a misdemeanor, and the company shall forfeit and pay to the party injured a penalty of fifty dollars for every such neglect or refusal, and all the damages resulting therefrom; and every company that shall neglect to keep such book open for inspection as aforesaid shall forfeit to the people the sum of fifty dollars for every day it shall so neglect, to be sued for and recovered in the name of the people by the district attorney of the county in which the business of such corporation shall be located; and when so recovered, the amount shall be paid into the treasury of such county for the use thereof.

Book to be kept.

Its contents.

Book to be open to inspection of stockholders and judgment creditors.

Books, where to be kept.

Transfers of stock to be entered therein.

Book, to be evidence.

Misdemeanors.

Penalties therefor.

District attorney to sue for penalties.

§ 15. Every corporation created under this act shall possess the general powers and privileges, and be subject to the liabilities and restric-

Provisions of Revised Stat.

utes appli- tions contained in title third of chapter eighteen of the first part of the
cable. Revised Statutes.

Not to or- § 16. After the passage of this act it shall not be lawful to organize
ganize hereafter any corporation under chapter three hundred and seventy one of the
under laws of eighteen hundred and sixty-six, or the acts passed supplemen-
manufac- tary thereto or amendatory thereof.
turing act.

Chap. 144.

AN ACT to regulate the sale of illuminating gas manu-
factured by the Equity Gas Light Company of the
eastern district of the city of Brooklyn, and to author-
ize the laying of mains and conductors in certain wards
of said city.

Passed April 9, 1874; three-fifths being present.

*The People of the State of New York, represented in Senate and
Assembly, do enact as follows:*

Price of
gas regu-
lated.

Authori-
ty to lay
mains,
conduc-
tors and
pipes
given.

Time for
organiza-
tion.

Charter,
how per-
fected.

SECTION 1. The Equity Gas Light Company of the eastern district of
the city of Brooklyn shall have the right and power to manufacture
and sell, and shall sell, illuminating gas at the maximum rate of two
dollars per thousand cubic feet, for gas of sixteen English sperm can-
dle power, stanard* photometric test (any gas furnished by said com-
pany of more or less than sixteen candle power, to be subject to an
increase or reduction of price pro rata to the consumer in the rate of two
dollars per thousand cubic feet), as may be required for the lighting the
streets, dwellings, stores, public or private buildings or for other pur-
poses, in the thirteenth, fourteenth, fifteenth, sixteenth, seventeenth,
eighteenth and nineteenth wards of the city of Brooklyn, county of
Kings, and said corporation shall have power and are hereby authorized
to lay mains, conductors and pipes, for any such service in conducting
gas through the streets, lanes, alleys and squares of the said thirteenth,
fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth
wards of said city of Brooklyn.

§ 2. Said Equity Gas Light Company shall have three years from the
date of its incorporation in which to organize and commence the trans-
action of its business, and shall have power and authority, and are
hereby authorized to tear up the pavements and streets of the thirteenth,
fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth
wards of said city of Brooklyn, in order to lay the necessary mains,
connections, turn-outs and service-pipes; provided always, that said
company shall relay or repave such portions of streets and public
thoroughfares and leave them in as good condition as before laying
their mains, conductors or other pipes; also to be allowed proper and
reasonable time to lay such mains, conductors and other necessary
service-pipes, and to tear up and relay and repave such portions of
streets and thoroughfares traversed by the pipes of said company.

§ 3. The Equity Gas Light Company are hereby prohibited from
transferring, consolidating or in any manner disposing of their franchise
to or with any other company, firm or individual, under penalty of for-
feiture of their charter; and the charter shall likewise be forfeited if
operations are not begun within three months after the passage of this act.

* So in original.

§ 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 5. This act shall take effect immediately.

Chap. 145.

AN ACT legalizing the conveyance of the trustees of joint school district number nine, of the towns of Plattsburgh and Peru, Clinton county.

Passed April 9, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The certain conveyance bearing date the seventh day of February, eighteen hundred and seventy-four, executed by John M. Thompson, Henry Lucas and William H. Martin, as trustees of joint school district number nine, of the towns of Plattsburgh and Peru, in the county of Clinton, to Moses Shelden and Nathaniel E. Shelden, of the said town of Plattsburgh, for the purpose, as in said conveyance recited, of carrying into effect the certain agreement made and entered into by and between the trustees of said school district and the said Sheldens, on the second day of July, eighteen hundred and seventy-three, and to vest in said Sheldens, their heirs and assigns forever, the title and property of said district of, in and to the lands in said conveyance described, and to vest in said Sheldens, their heirs and assigns forever, the fee simple absolute of said lands, is hereby in all things confirmed, and the said Moses Shelden and Nathaniel E. Shelden, their heirs and assigns forever, are declared to be vested with the fee simple absolute of, in and to the lands and premises in said conveyance described, and the whole and every part thereof.

Deed confirmed and declared valid.

§ 2. This act shall take effect immediately.

Chap. 146.

AN ACT to facilitate the removal of the remains of bodies interred in ancient and disused burial plots, in the town of Springwater, county of Livingston, and town of Canadice, in the county of Ontario.

Passed April 9, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The trustees of the Evergreen Cemetery Association, of the town of Springwater, in the county of Livingston, are hereby authorized and permitted to remove the remains of all deceased persons now buried in the old cemetery, east of the village of Springwater, in said county, and in the old cemetery south of the Christian church, in said town, also in the old cemetery, near the Methodist Episcopal church, in the town of Canadice, in the county of Ontario, and re-bury the same in the said Evergreen cemetery, and shall bury all such remains, in good order, pursuant to the by-laws and regulations of such cemetery association.

Removal of remains authorized.

Remains to be re-interred.

Notice of
removal.

§ 2. The said trustees of the said Evergreen Cemetery Association are hereby authorized and required to put up in three of the most public places in the school districts in which such remains are buried, at least four weeks previous to the removal of any of said bodies, a notice that, unless the relatives and friends of persons buried in the old cemeteries mentioned in the first section of this act shall cause their remains to be removed within four weeks from the posting such notice, the removal will be made by the trustees of said Evergreen Cemetery Association.

Remains,
how to be
treated.

§ 3. The said trustees named in the first section of this act, in case of the removal of said remains by them, shall inclose each one thereof in a suitable, separate box or coffin, and those of the same family in contiguous graves, and shall, where the same exist, place head and foot-marks of stone, or other durable material, to designate the place and position in which the same are after removal.

§ 4. This act shall take effect immediately.

Chap. 147.

AN ACT to provide for the payment of the quota of State taxes imposed upon the city and county of New York.

Passed April 10, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Revenue
bonds, city comp-
troller au-
thorized to
issue.

SECTION 1. For the purpose of enabling the city and county of New York to make payment of the quota of State taxes which may be imposed upon and chargeable to the said city and county, at the same time or times that other counties of this State are or may be required to make payment by law, to wit: One-half thereof on the fifteenth day of April, and the other half thereof on the first day of May in each and every year. The comptroller of the city of New York is hereby authorized and required, unless the money for the payment of the same shall have been otherwise provided, to issue revenue bonds for such amounts as may from time to time become necessary to meet such quota of the State taxes, at not less than their par value, and for such periods and at such rates of interest as the said comptroller shall determine, not exceeding seven per centum per annum, and from the proceeds thereof to pay to the State Treasurer the amount of taxes which the Comptroller of the State shall have apportioned according to law, and which may be required to be paid, in pursuance of such apportionment, to the State by the city and county of New York at the times hereinbefore stated ; and the amount of said State taxes for any fiscal year, so imposed and chargeable, shall be levied, raised, and collected in the then next annual levy for taxes in the said city and county of New York, in the same manner as other city and county taxes, and the money collected thereon shall be applied to the redemption of the revenue bonds so issued.

Interest,
rate of.

Proceeds
to be paid
to state
treasurer.

Amount
to be lev-
ied in the
next an-
nual tax
levy.

Bonds au-
thorized
by act of
1873, how
designat-
ed, exe-
cuted and
attested.

§ 2. The bonds authorized to be issued in pursuance of section three of chapter ninety-five of the laws of eighteen hundred and seventy-three shall be designated New York county bonds, for the State sinking fund deficiency ; shall be signed by the comptroller and mayor of the city of New York, and sealed with the seal of the board of supervisors of the said county, attested by the clerk thereof, and shall be issued as

therein provided, or the comptroller of the city of New York may, in lieu thereof, issue the same for a term not exceeding thirty years from their date. In the issue of said bonds there shall be included the sum of two hundred and fifty-five thousand one hundred and seven dollars and fourteen cents, the amount of interest which has accrued on the amount of tax for which the said bonds are authorized, in accordance with existing provisions of law, unless moneys for the payment of such interest shall be otherwise provided. If said bonds shall be issued for a period not exceeding five years, to provide the means for paying the same at their maturity, the said comptroller may issue other bonds of said county for a like amount, at a rate of interest not exceeding seven per centum per annum, for a period not exceeding thirty years. The board of supervisors of the county of New York are hereby authorized and directed to order and cause to be raised, by tax upon the property by law subject to taxation within the city and county of New York in each year, commencing in the year eighteen hundred and seventy-six, a sum equal to one-tenth part of the principal of said bonds, to be paid to the commissioners of the sinking fund of said city, to be held and kept invested by said commissioners as a fund for the payment of said bonds at or before their maturity. The tax and interest in this section referred to shall be paid to the State Treasurer on or before the fifteenth day of April, eighteen hundred and seventy-four.

Comptroller may issue bonds. Interest to be included.

Means for payment, how provided.

Amount to be raised annually.

Investment to be made.

§ 3. This act shall take effect immediately.

Chap. 148.

AN ACT to authorize the Oneonta Manufacturing Company of Oneonta, Otsego county, New York, to issue preferred stock.

Passed April 10, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Oneonta Manufacturing Company of Oneonta, Otsego county, New York, is hereby authorized to issue preferred stock to an amount not exceeding twenty thousand dollars; provided that the issue thereof and the terms of preference shall be first assented to, in writing, by all the stockholders in said company, or their legal representatives.

Preferred stock may be issued. Consent of stockholders.

§ 2. Before any issue of such preferred stock, such written assent shall be filed in the office of county clerk of Otsego county, and such stockholders, appearing as such on the books of the company at the time of filing such assent, shall have the right to subscribe for and take a pro rata amount of such preferred stock (proportionate to the amount of stock so owned by him), upon terms specified in such assent.

Consent to be filed.

Stockholders may take pro rata amount.

§ 3. The said company is hereby authorized and empowered to guarantee an eight per cent. dividend, to be paid yearly to the holders of such preferred stock.

Dividend.

§ 4. This act shall take effect immediately.

Chap. 149.

AN ACT to amend the act passed April twenty-seventh, eighteen hundred and seventy-two, entitled "An act to amend chapter six hundred and fifty-seven of the laws of eighteen hundred and seventy-one, entitled 'An act to amend the act passed February seventeen, eighteen hundred and forty-eight, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,'" passed April twentieth, eighteen hundred and seventy-one.

Passed April 10, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amend-
ment.

SECTION 1. The first section of the act entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," passed February seventeenth, eighteen hundred and forty-eight, as amended by chapter two hundred and sixty-two of the laws of eighteen hundred and fifty-seven, as amended by section two of chapter six hundred and fifty-seven of the laws of eighteen hundred and seventy-one, as amended by chapter four hundred and twenty-six of the laws of eighteen hundred and seventy-two, is hereby amended so as to read as follows :

For what
purposes
corpora-
tions may
be formed.

§ 1. At any time hereafter, any three or more persons who may desire to form a company for the purpose of carrying on any kind of manufacturing, mining, mechanical or chemical business, or the business of printing and publishing books, pamphlets and newspapers, or the business of preserving and dealing in meats, or the business of making butter, cheese, concentrated or condensed milk, or any other products of the dairy, or the business of erecting buildings for church sheds or laundry purposes, and the carrying on of laundry business, or the business of slaughtering animals, may make, sign and acknowledge, before some officer competent to take the acknowledgment of deeds, and file in the office of the clerk of the county in which the business of the company shall be carried on, and a duplicate thereof in the office of the Secretary of State, a certificate in writing, in which shall be stated the corporate name of the said company, and the objects for which the company shall be formed, the amount of the capital stock of the said company, the term of its existence (not to exceed fifty years), the number of shares of which the said stock shall consist, the number of trustees and their names, who shall manage the concerns of said company for the first year, and the names of the town and county in which the operations of the said company are to be carried on.

Certificate
to be
made,
signed,
acknowl-
edged
and filed.

Its con-
tents.

Liability
of stock-
holders.

§ 2. The stockholders of any corporation hereafter formed under the act hereby amended, or any act amendatory thereof or supplementary thereto, or extending the operation and effect thereof, shall, in addition to the liabilities provided for in said acts, be individually responsible, equally and ratably, in an amount to the extent of their respective shares of stock in such corporation. The term stockholder, as used in this section, shall apply not only to such persons as appear by the books of the corporation or association to be such, but also to every

Term
stock-
holder,
defined.

equitable owner of stock, although the same may appear on such books in the name of another person; and also to every person who shall have advanced the installments or purchase money of any stock in the name of any person under twenty-one years of age, and while such person remains a minor, to the extent of such advance; and also to every guardian or other trustee who shall voluntarily invest any trust funds in such stock; and no trust funds in the hands of such guardian or trustee shall be in any way liable under the provisions of this act and the acts aforesaid, by reason of any such investment, nor shall the person for whose benefit any such investment may be made be responsible in respect to such stock until thirty days after the time when such persons, respectively, become competent and able to control and dispose of the same; but the guardian or other trustee making such investment as aforesaid shall continue responsible as a stockholder until such responsibility devolves upon the person beneficially interested therein; and in respect to stock held by a guardian or other trustee under a transfer of the same by a third person, or under positive directions by a third person for such investment, the person making such transfer or giving such directions, and his executors and administrators shall, for the purposes of this act and the acts aforesaid, be deemed a stockholder, and the estate of such person, if he be deceased, shall be responsible for the debts and liabilities chargeable on such stock, according to the provisions of this act.

Trust fund, not liable, nor person interested therein, while incompetent.

Responsibility of guardian, or other trustee.

Term, stockholder, further defined.

Chap. 150.

AN ACT to authorize the trustees of the First Presbyterian church in Catlin, in the town of Dix, Schuyler county, State of New York, to remove the bodies buried in the burial ground belonging to said church, to the burial ground of the Moreland Cemetery Association, and to empower said trustees to sell and convey the title of said burial ground, and the old church lot adjoining, after the bodies have been removed.

Passed April 10, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful, and authority is hereby given to the First Presbyterian church of Catlin, in Dix, Schuyler county, New York, to exhume all the bodies heretofore buried and remaining in the burial ground belonging to said church, and remove the said bodies to, and bury the same again, in the burial ground of the Moreland Cemetery Association, situated in said town of Dix, in lots now laid out, or to be laid out, but not sold or occupied.

Removal and reinterment of bodies authorized.

§ 2. The bodies shall be properly and decently exhumed, and buried again in the day-time, and the tombstones be carefully removed and set up at the new graves in a substantial manner, at the time of the removal of the bodies; the identity of each body shall be preserved, and not more than two bodies be removed at one time together, and any friend or relative of any such body so to be removed shall have the right to remove the said body, and bury it again in his or her lot or burial place, at his or her own expense, provided notice is given of such inten-

How to be done.

Rights of friends and relatives.

tion, and the work of removal done at such times as shall be set by the trustees of the said First Presbyterian church.

Expenses, how paid. § 3. The expenses of such removal shall be paid by the First Presbyterian church of Catlin, in Dix, except as otherwise herein provided ; and before any body shall be removed as aforesaid, the said church, or its trustees, shall give ten days' notice of the time of the commencement thereof, by notice published in any newspaper published in said county of Schuyler, and at the time appointed, the work shall be commenced, and prosecuted with diligence until all bodies and relicts are removed.

Desecration of remains a misdemeanor. § 4. Any person who shall desecrate any part of the remains of any dead body while being so removed, or violate any of the provisions of this act, shall be guilty of a misdemeanor, and, on conviction thereof, be punished as provided by law.

Duty of trustees of Moreland cemetery association. § 5. It shall be the duty of the trustees of the Moreland Cemetery Association aforementioned, when notified by the said trustees of the said First Presbyterian church that all the said bodies have been removed, to inspect the work and ascertain whether the said work of removal has been done as provided by law, and when satisfied that the same has been fully completed, as herein provided, to subscribe and deliver a certificate to that effect to the said trustees of the said Presbyterian church, and upon the receipt thereof, the said Presbyterian church, through its trustees, shall have the power to sell and convey the title, in fee simple, in and to the burial ground from which such bodies shall have been removed, and also the lot formerly occupied by its house of worship.

Certificate.

Trustees of church may convey burial ground.

Chap. 151.

AN ACT to release to Elizabeth Buerkel the real estate of which Henry Buerkel died seized.

Passed April 10, 1874 ; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Title of the state released.

SECTION 1. All the right, title and interest which the People of the State of New York have acquired by escheat in the real estate in the village of Lyons, Wayne county, whereof Henry Buerkel, late of said village of Lyons, died seized, is hereby released to Elizabeth Buerkel, the widow of said Henry Buerkel.

Not to affect rights of heirs, &c.

§ 2. Nothing in this act contained shall be construed to impair or affect the right in the said real estate of any heir-at-law, devisee, purchaser or creditor by judgment, mortgage or otherwise.

§ 3. This act shall take effect immediately.

Chap. 152.

AN ACT to confirm the title of certain real estate in Esther Young, the widow of Joseph Young, late of the county of Clinton, an alien, deceased.

Passed April 10, 1874; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the right, title and interest of the People of this State in and to a certain lot of land situate in the town of Chazy, in the county of Clinton, which was conveyed to Esther Young by Joseph Young, her husband, an alien, now deceased, according to a certain deed bearing date August nineteen, eighteen hundred and sixty-four, and containing about one acre and forty rods of land, more or less, is hereby released to the said Esther Young, and she is hereby authorized and empowered to hold and convey the same, in the same manner and with like effect as if the parties to said deed were natural-born citizens of the United States. Title of the state released.

2. Nothing in this act contained shall be construed to impair, release or discharge any right, claim or interest of any creditor by mortgage, judgment, or otherwise or of any heir-at-law, grantee or devisee in said real estate. Proviso.

§ 3. This act shall take effect immediately.

Chap. 153.

AN ACT to release the interest of the People of the State of New York in certain real estate in the town of Dunkirk, to Jane Errington.

Passed April 10, 1874; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the estate, right, title and interest of the people of the State of New York, which may have been acquired by reason of the alienage of Thomas Errington, deceased, in and to all that certain tract or parcel of land situate, lying and being in the village of Dunkirk, Chautauqua county, State of New York, more particularly known and distinguished on a certain map filed in the office of the clerk of said county, and entitled, "Map of part of the town of Dunkirk, Chautauqua county, State of New York, eighteen hundred and thirty-eight," as lots numbered sixty-three, sixty-five, sixty-seven, on Fawn street, in block number five hundred and sixty, is hereby released to said Jane Errington, widow of said Thomas Errington, deceased, her heirs and assigns, forever, with the right to sell and convey the same. Title of the state released.

2. Nothing in this act contained shall be construed to impair or affect the right in the said real estate of any heir-at-law, devisee, purchaser, or creditor by judgment, mortgage or otherwise. Proviso.

§ 3. This act shall take effect immediately.

Chap. 154.

AN ACT to extend the time for the collection of taxes in the city of Elmira.

Passed April 10, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The time for the collection of taxes in the city of Elmira, county of Chemung, is hereby extended until the fifteenth day of May, eighteen hundred and seventy-four; provided, however, that within ten days after the passage of this act, the collector of said city shall pay over all moneys by him collected, and renew his bond to the satisfaction of the supervisors of said city, or a majority of them.

§ 2. This act shall take effect immediately.

Chap. 155.

AN ACT to legalize and confirm the official acts of Isaac Carpenter, a justice of the peace in the town of Scho-dack, in the county of Rensselaer, and to enable him to take and file his oath of office.

Passed April 10, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Acts of
justice of
the peace
legalized.

SECTION 1. All acts and proceedings by or before Isaac Carpenter, a justice of the peace of the town of Schodack, in the county of Rensselaer, since the commencement of the term of office for which he was elected, to wit, the first day of January in the year one thousand eight hundred and seventy-four, are hereby declared as valid and of as full effect as if he had taken and filed his oath of office within the time required by law; but this act shall not affect the rights of any party to any suit or proceeding commenced previous to the passage of this act.

Proviso.

Official
oath.

§ 2. The said Isaac Carpenter may, within ten days after this act shall take effect, take and file his official oath as a justice of the peace, and he shall thereupon be entitled to enter upon and discharge the duties of said office during the residue of his said term.

§ 3. This act shall take effect immediately.

Chap. 156.

AN ACT in regard to serving citations upon minors and special guardians.

Passed April 10, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. In proceedings of administrators and executors, on final settlements of their accounts, minors shall be served with citations, and

special guardians appointed, in the same manner as citations are required to be served and special guardians appointed on the proof of wills, and in no other way.

§ 2. This act shall take effect immediately.

Chap. 157.

AN ACT to authorize the city of Rochester to levy a tax for the purpose of completing public school buildings.

Passed April 10, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The common council of the city of Rochester is hereby authorized and empowered to raise, by tax upon all the taxable property of said city, in their next general assessment for taxes, the sum of twenty-three thousand dollars, for the purpose of completing the "Madison Park," "Monroe" and "Number Eighteen" public school buildings.

Tax authorized.

§ 2. This act shall take effect immediately.

Chap. 158.

AN ACT to amend the charter of the village of Akron, in the county of Erie.

Passed April 10, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The assessors for the village of Akron shall, between the first day of May and the first day of July in each year hereafter, when engaged in making the annual assessment of real and personal property in said village, ascertain and make a list, subscribed by them, of all the names of the inhabitants of said village who are liable, under the laws of the State, to work on highways, and the trustees of said village shall have power to assess said inhabitants and the real and personal property in said village annually, such an amount, denominated "street tax," as they shall deem necessary, not exceeding the sums hereinafter specified; which street tax shall be assessed as follows: Each male inhabitant of the age of twenty-one years and upward, except paupers, idiots and lunatics, the sum of one dollar; and all persons owning or occupying property and estate, real and personal, incorporated companies, banks and banking associations, in said village, liable to taxation, shall be assessed not exceeding the sum or rate of one-fourth of one per cent. for each dollar of valuation. The street taxes thus assessed shall be collected by the village collector, under a warrant of the trustees, in the same manner in all respects, and for the same fees, as other taxes assessed in said village, and shall be paid over in like manner to the village treasurer, and all provisions contained in the charter of the said village, and the several acts amendatory thereof, in regard to the collection or recovery of taxes, or the sale of property

Village assessors to make list of persons liable to work on highways.

Street tax.

Mode of levying the same.

Street tax, how collected.

Provisions of village charter applied.

therefor, or in any other respect whatever, shall apply to such street tax, so far as applicable, as fully as to any other tax assessed in said village.

Repeal.

§ 2. This act is hereby declared a public act, and all acts and parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 159.

AN ACT to legalize and confirm all laws, ordinances and resolutions heretofore passed by the common council of the city of Albany, and approved by the mayor thereof, directing or authorizing the constructing or building of any drain or sewer, together with the contracts made or entered into thereunder by said common council or the board of contract and apportionment of said city, to provide for the taking and acquiring of real estate and appurtenances for the purpose of constructing, building or maintaining any drain or sewer, built or to be built, or constructed, assessing the damages and recompense of the owner or owners thereof, and for the apportionment and assessment of such damages and recompense, and expense of building and constructing such drain or sewer, with the incidental expenses attending the same, and for the enforcing and collecting of such apportionments and assessments.

Passed April 10, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Ordinan-
ces, con-
tracts,
&c., legal-
ized;

SECTION 1. All laws, ordinances and resolutions heretofore passed by the common council of the city of Albany, and approved by the mayor of said city, directing or authorizing the construction or building of any drain or sewer therein, together with the contracts made or entered into thereunder by said common council, or by the board of contract and apportionment of said city, and the construction and building of the drain or sewer under said law, ordinance, resolution and contract are and the same hereby is ratified, legalized, confirmed and made valid.

Lands
may be
taken.

§ 2. In case the common council of said city of Albany shall deem it necessary, by a vote of two-thirds of all the members elected to said common council, to be taken by yeas and nays, and entered in its minutes, to take within the said city any ground or other real estate, with the appurtenances belonging to any person or persons for the purposes of constructing, building or maintaining any drain or sewer heretofore built or constructed, or hereafter to be built or constructed under any law, ordinance or resolution of the said common council, the title to such ground, real estate and appurtenances may be acquired and taken, and the damages and recompense of the owner and owners awarded and assessed in the manner provided in and by title seven of chapter seventy-seven of the laws of eighteen hundred and seventy, and the other por-

Damages,
how to be
assessed.

tions of said chapter affecting the same, and the several amendments of and to said title and chapter.

§ 3. The damages and recompense to such owner and owners, and the expense of building and constructing such drain or sewer, with the incidental costs and expenses attending the same, shall be apportioned and assessed among all the houses and lots and vacant lots and franchises intended to be benefited by such drain or sewer in proportion to the advantages which each shall be deemed to acquire, in the manner provided in and by title eight of chapter seventy-seven of the laws of eighteen hundred and seventy, and the other portions of said chapter affecting the same, and the several amendments of and to said title and chapter, and such apportionment and assessment, when completed, shall have all the validity and effect provided for in and may be enforced and collected in the manner provided for in and by said title and chapter.

Compensation, costs, &c., to be assessed upon property benefited.

How enforced.

§ 4. This act shall take effect immediately.

Chap. 160.

AN ACT to extend the time for the collection of taxes in the town of Wallkill, in the county of New York.*

Passed April 10, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for the collection of taxes in the town of Wallkill, county of Orange, is hereby extended to the first day of June, eighteen hundred and seventy-four; provided, however, that within ten days after the passage of this act, the said collector shall pay over all moneys by him collected, and renew his bond to the satisfaction of the supervisor of the said town.

§ 2. This act shall take effect immediately.

Chap. 161.

AN ACT in relation to the Herkimer and Mohawk Street Railroad Company.

Passed April 10, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Herkimer and Mohawk Street Railroad Company, in the towns of Herkimer and German Flats, in the county of Herkimer, heretofore organized under the "Act to authorize the formation of railroad companies, and to regulate the same," passed April second, eighteen hundred and fifty, and the several acts additional and amendatory thereof, is hereby declared to be a body corporate, with the powers and privileges conferred by this act, and the duration of the same may be one hundred years from the passage of this act.

Corporation created.

§ 2. The said corporation is hereby authorized to construct, build and maintain a railroad, to be operated with horse power, in and along the

Authority; to build railroad conferred.

* So in original.

highway from the village of Herkimer to the village of Mohawk, and in and along the main street in the village of Mohawk, according to any permission and grant heretofore given and made for that purpose, by the trustees of the said villages of Herkimer and Mohawk respectively.

Provisions
of the act
of April
2d, 1850,
inapplica-
ble.
Exemp-
tions.

§ 3. All provisions of law contained in said act passed April second, eighteen hundred and fifty, and the several acts additional and amendatory thereof, prescribing the weight and kind of rail to be used, are declared to be inapplicable to the road authorized by this act, and the same company is also declared to be exempt from sections twenty-seven, thirty-seven, thirty-eight, forty, forty-four and forty-five of said act; and from sections one and two of chapter one hundred and forty; and section eight of chapter two hundred and eighty-two of the laws of eighteen hundred and fifty-four.

Liabili-
ties and
privileges.

§ 4. Except as in this act provided, the said company shall be subject to all the provisions and liabilities, and shall have all the powers and privileges contained and specified in the said act of April second, eighteen hundred and fifty, so far as the same shall be applicable.

Mode of
construct-
ing rail-
road.

§ 5. The aforesaid railroad shall be constructed on the most approved plan for the construction of railroads, and the track of such road shall be flush with the surface of the street or highway, and shall conform to the grade as it now is, or as it shall from time to time be altered, and the company hereby created shall keep the surface of said street inside the rails, and for one foot outside thereof, in good and proper order and repair. Said company may charge and receive for carrying of passengers a sum not exceeding fifteen cents each.

Fare.

§ 6. This act shall take effect immediately.

Chap. 162.

AN ACT authorizing the Dry Dock Savings Institution of the city of New York to change its location.

Passed April 11, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Dry Dock Savings Institution of the city of New York is hereby authorized to change its location to any point between Second street and Fourth street, east of Broadway and west of Second avenue, in said city.

§ 2. This act shall take effect immediately.

Chap. 163.

AN ACT for the relief of Thomas O'Brine.

Passed April 11, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

State pri-
son in-
spectors
to ex-
amine
claim.

SECTION 1. The board of Inspectors of State Prisons are hereby authorized to examine the claim of Thomas O'Brine, of Dannemora, Clinton county, New York, for damages occasioned by the deposit of sand and refuse upon his lands, and the use of and injury to the waters of the

stream that runs over said land, by the State, and to certify and award said O'Brine such sum as they may decide just and equitable; and the Comptroller is hereby authorized to draw his warrant on the Treasurer for such sum as said board shall determine and certify to be just and equitable, not exceeding the sum of two hundred and fifty dollars, to be paid out of any moneys not otherwise appropriated, in favor of Thomas O'Brine, whenever the said O'Brine shall execute or cause to be executed to the State of New York a good and perpetual release to be approved of by the Comptroller, of all that certain piece or parcel of land owned by him, lying south of Clinton prison, that is now, or may hereafter be covered with water, sand, gravel or other refuse flowing from Clinton prison.

Comptrol-
ler's war-
rant.

Release.

§ 2. The sum of two hundred and fifty dollars, or so much thereof as may be certified as herein provided, is hereby appropriated for the payment of the above claim, payable out of any money in the treasury not otherwise appropriated.

Appropriation.

§ 3. This act shall take effect immediately.

Chap. 164.

AN ACT to legalize and confirm a sale of real estate, by the supervisor and town clerk of the town of Jamaica, Queens county, Long Island, to Sally Ann Carpenter and her heirs and assigns.

Passed April 11, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The resolution adopted at an annual meeting of the electors of the town of Jamaica, Queens county, Long Island, assembled in the village of Jamaica on the first day of April, eighteen hundred and fifty-one, namely, "Resolved, That the supervisor and town clerk, for the consideration sum of one dollar, execute and deliver to the said Sally Ann Carpenter a good and sufficient deed of conveyance for one square acre of land upon which said house now stands," is hereby approved and ratified, and the title to the premises in question is hereby legalized and confirmed to the said Sally Ann Carpenter and her heirs and assigns forever.

Sale of
real estate
legalized.

§ 9. This act shall take effect immediately.

Chap. 165.

AN ACT extending the time for the organization of the Mutual Trust Institution of the city of New York.

Passed April 11, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time in which the Mutual Trust Institution of the city of New York is required to complete its organization by law, and by an act entitled "An act to incorporate the Mutual Trust Institution of the city of New York," passed April twenty-fourth, eighteen hundred and seventy-two, is hereby extended for one year from the passage of this act.

Chap. 166.

AN ACT to incorporate the Maritime Association of the Port of New York.

Passed April 11, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Corporators.	SECTION 1. Thomas P. Ball, Henry P. Booth, Duncan R. Norvell, Charles F. Elwell, Henry Buschman, James R. Boyd, James Stafford, George F. Bulley, Frederick F. Phillips, John F. Merrill, Jacob R. Telfair, Abiel Abbott, J. Ernest Miller, George H. Brewer, Amerton Yale, H. W. O. Edye, Charles Bertaux, William H. Van Brunt, Albert H. Brown, John Camerdeu, Isaac P. Williams, Edward N. Norton, John P. Gilchrist, Daniel Barnes, David B. Dearborn, Marcus Hunter, Benjamin P. Lunt, and such other persons as are now associated with them in the association now known as the "Maritime Association of the Port of New York," or as may hereafter become associated with them as members of the corporation hereby created, are hereby constituted a
Corporate name.	body corporate, by the name of the "Maritime Association of the Port of New York," with perpetual succession, and the power to use
Corporate powers.	a common seal, and to alter the same at pleasure, to sue and be sued, to take and hold by gift, grant, purchase and devise such real and personal property as the purpose of said corporation shall require, not exceeding two hundred and fifty thousand dollars, and to sell, lease, convey and mortgage the same, or any part thereof.
Objects.	§ 2. The object of this corporation shall be to more conveniently transact all business relating to the maritime interest of the port of New York, by the establishment of a permanent place of meeting, to be known as the Maritime Exchange.
By-laws.	§ 3. The corporation may fix by-laws,* the requisites of membership, and the time and manner of election thereto, and the amounts and time of payment of the fees and dues thereof, and it may increase or diminish the same at pleasure ; and all persons who may be elected to membership, in the manner provided by the said by-laws, may become members thereof, upon payment to the treasurer of the fees and dues as prescribed by said by-laws, and upon signing this act of incorporation.
Board of directors.	§ 4. The property, affairs, business and concerns of the said corporation hereby created shall be managed by a board of directors, consisting of the president, treasurer and secretary of said corporation, whose several duties shall be prescribed by by-laws, and by twenty-one
How chosen.	members, all of whom shall be chosen by ballot from the members of said corporation, and shall hold their office for one year, and until
Term of office and mode of election may be changed.	others shall be elected in their stead ; but the said corporation may, by a majority vote thereof at a special meeting thereof, to be called in such manner as may be provided by the by-laws for calling special meetings thereof, and to be held at any time not less than two months previous to the time fixed by this section for the election of officers, change the manner of election and the terms of office of the members of said board of directors then next to be chosen, exclusive of said
Classification.	president, secretary and treasurer, so that they shall be so classified as

* So in original.

to their terms of service, either by lot after election or otherwise, that one-third of their number shall go out of office at each annual election thereafter; and if such change shall so be made, then at each succeeding election directors shall only be voted for in place of those whose terms shall expire under the classification aforesaid. The present officers and directors of said association, as the same is now constructed,* shall be the officers and directors of the said corporation until their present terms of service shall expire, and until others, under the provisions of this act, shall be chosen in their stead. All vacancies which may occur in the said officers or board by death, resignation or otherwise, shall be filled by the board of directors for the remainder of the term, from members of the corporation, and the officers and directors to be hereafter elected shall be so chosen at regular meetings of said corporation, to be held on the second Monday of January in each year, at a time and place to be prescribed by the by-laws.

Existing officers of association.

Vacancies, how filled.

§ 5. The board of directors shall have power to appoint such clerks, attorneys, counsel and other agents, as may be deemed necessary to protect the interests of the corporation and of its members, or to further the objects for which the said corporation was organized, and annually to appoint an arbitration committee from the members of the corporation, consisting of ten persons, who shall not be directors or officers thereof. It shall also be the duty of the said board of directors to have the general care and supervision of all matters affecting the rights and interests of the corporation, to consider and bring to its notice, at regular and special meetings, all subjects that may require the action of said corporation, and to consider and report on all matters that may be referred to it by the said corporation. Seven members of such board shall constitute a quorum for the transaction of business.

Clerks, attorneys, &c.

Arbitration committee.

Board of directors to have a general supervision.

Quorum.

§ 6. The said corporation shall have power to suspend from membership, or to expel, any member in such manner and for such cause as the by-laws may provide, and, upon such suspension or expulsion, the right and interest of such member in and to the property of said corporation shall be also suspended or shall cease altogether, according as he shall either be suspended or expelled. The said corporation shall also have power to make all proper and needful by-laws and amendments or alterations to the same, not contrary to this act or to the Constitution of the State of New York, or of the United States.

Suspension and expulsion of members, effect of.

By-laws.

§ 7. At all regular and special meetings of the corporation, twenty members thereof shall be a quorum sufficient to transact business.

Quorum at regular or special meetings.

§ 8. This act shall take effect immediately.

Chap. 167.

AN ACT to amend the charter of the Sunday School Union of the Methodist Episcopal Church, and the acts amendatory thereof.

Passed April 11, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The act entitled "An act to incorporate the Sunday School Union of the Methodist Episcopal Church," passed February four,

* So in original.

eighteen hundred and fifty-two, and any act amendatory thereof or relating to said society, are hereby respectively amended so as to read as follows :

- Corporators.** § 2. The several persons now composing the said society, and all persons who may become associated with them, and their successors, are hereby constituted a body corporate and politic, by the name of the "Sunday School Union of the Methodist Episcopal Church," and by that name they and their successors shall and may have perpetual succession, and shall in law be capable of suing and being sued in any court whatever, and may have and use a common seal, and the same may alter at pleasure ; and such corporation is and shall be capable of purchasing, holding and conveying such real and personal estate as the purposes of the said corporation shall require, not exceeding in amount the sum of five hundred thousand dollars ; but the annual income of the real estate held by it at any one time, within the state of New York, shall not exceed the sum of seventy-five thousand dollars.
- Corporate name.**
- Corporate powers.**
- Objects.** § 3. The objects of the said corporation are charitable and religious designed to advance the interests and promote the cause of Sabbath schools in connection with the Methodist Episcopal church, in the United States and elsewhere.
- Board of managers.** § 4. The management and disposition of the affairs and property of the said corporation shall be vested in a board of managers, composed of thirty-two laymen of the Methodist Episcopal church, and thirty-two traveling ministers of the Methodist Episcopal church, appointed by the general conference of said church, at its quadrennial sessions, and of the bishops of said church, who shall be ex officio members of said board. Such managers as were appointed by said general conference, at its last session, shall be entitled to act as such, from and after the passage of this act, until they or others appointed by the ensuing general conference shall assume their duties. Any such board of managers may fill any vacancy happening therein until the term shall commence of the managers appointed by an ensuing general conference. Said board of managers shall have such power as may be necessary for the management and disposition of the affairs and property of the said corporation, in conformity with the constitution of said society, as it now exists, or as it may be from time to time amended by the general conference, and to elect the officers of the society, except as herein otherwise provided ; and such board of managers shall be subordinate to any directions or regulations made or to be made by said general conference.
- Vacancy in, how filled.**
- Powers of board of managers.**
- Quorum.** § 5. Thirteen members of the said board of managers, at any meeting thereof, shall be a sufficient number for the transaction of business. The corresponding secretaries and the treasurer of said society shall be elected by the general conference of the Methodist Episcopal church, and shall hold their offices for four years, or until their successors are elected ; and in case of a vacancy by resignation, death, or otherwise, the bishops of the said Methodist Episcopal church, shall fill any vacancy in the office till the ensuing general conference. And until otherwise provided by the general conference, said board of managers may appoint and remove at pleasure the treasurer of said corporation.
- Secretaries and treasurer.**
- May take by devise or bequest.** § 6. The said corporation shall be capable of taking, receiving or holding any real or personal estate, by virtue of any devise contained in any last will and testament of any person whomsoever ; subject, however, to the limitation expressed in the second section of this act as to the aggregate amount of such real estate, and also to the provisions of an act entitled "An act relating to wills," passed April thirteen, eighteen hundred and sixty ; and the said corporation shall be also competent to

act as a trustee in respect to any devise or bequest pertaining to the objects of said corporation, and devises and bequests of real or personal property may be made directly to said corporation, or in trust, for any of the purposes comprehended in the general objects of said society; and such trusts may continue for such time as may be necessary to accomplish the purposes for which they may be created.

§ 7. The said corporation shall also possess the general powers specified in and by the third title of chapter eighteen of the first part of the Revised Statutes of the State of New York. General powers.

§ 8. This act shall take effect immediately.

Chap. 168.

AN ACT to amend chapter two hundred and thirty-five of the laws of eighteen hundred and sixty-seven, entitled "An act to amend an act entitled 'An act to consolidate road districts eighteen and nineteen, in the town of Ledyard, in the county of Cayuga, and to provide for the election of pathmaster in said district,'" providing for the appointment of an overseer of highways in said district.

Passed April 11, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The second, third and fifth sections of the act passed April second, eighteen hundred and sixty-seven, entitled "An act to amend an act entitled 'An act to consolidate road districts eighteen and nineteen, in the town of Ledyard, in the county of Cayuga, and to provide for the election of pathmaster in said district,'" are hereby repealed. Repeal.

§ 2. The overseer of highways for said district shall be appointed by the commissioner or commissioners of highways for the town of Ledyard, in the same manner as the overseers of highways are appointed for the other districts in said town, and he shall be subject to the same duties and possess the same powers imposed and conferred by law upon overseers of highways generally. Appointment of overseer.
His powers and duties.

§ 3. Section four of said act is hereby amended so as to read as follows:

§ 4. The person so appointed overseer of highways shall, before entering upon his duties, execute and deliver to the supervisor of the town of Ledyard, a bond in the penal sum of one thousand dollars, with one or more sureties, to be approved by said supervisor, conditioned for the faithful discharge of his duties as such overseer of highways. Bond of overseer.

§ 4. This act shall take effect February twenty-fourth, eighteen hundred and seventy-five.

Chap. 169.

AN ACT to amend chapter three hundred and ninety-five of the laws of eighteen hundred and seventy-three, entitled "An act to alter the system of repairing the highways," passed May second, eighteen hundred and seventy-three.

Passed April 13, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section three of chapter three hundred and ninety-five of the laws of eighteen hundred and seventy-three, entitled "An act to alter the system of repairing the highways," passed May second, eighteen hundred and seventy-three, is hereby amended so as to read as follows:

Annual
tax for
highways.

§ 3. It shall be lawful for any town voting in favor of such change to raise by tax, to be levied and collected the same as any other tax, for the repair of its highways, an annual sum of money, which shall be at least equivalent to the value of the days' work theretofore assessed at the commutation prices.

§ 2. This act shall take effect immediately.

Chap. 170.

AN ACT to amend chapter five hundred and twenty-six of the laws of eighteen hundred and seventy-three, entitled "An act to incorporate the Monticello and White Lake Turnpike Company," passed May sixteenth, eighteen hundred and seventy-three.

Passed April 13, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section two of an act entitled "An act to incorporate the Monticello and White Lake Turnpike Company," is hereby amended so as to read as follows :

Capital
stock.

When
company
may take
possession
of abandon-
ed road.

Proviso.

§ 2. The capital stock of said company shall consist of two hundred and seventy-five shares, of ten dollars each, and when ten per cent. shall be paid into said company by the subscribers to said two hundred and seventy-five shares, the said company shall be authorized to take possession of that part of the abandoned turnpike road which lies between Monticello and the road leading from White lake to Black lake, and which, before such abandonment, was a part of the Newburgh and Cohecton turnpike road ; provided, that the consent, in writing, of the commissioners of highways of the respective towns of Thompson and Bethel shall first be obtained and filed in the office of the county clerk of Sullivan county.

§ 3. This act shall take effect immediately.

Chap. 171.

AN ACT to amend an act entitled "An act in relation to the city court of Yonkers," passed March eighth, eighteen hundred and seventy-three.

Passed April 14, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section three of the act entitled "An act in relation to the city court of Yonkers," passed March eighth, eighteen hundred and seventy-three, is hereby amended so as to read as follows, namely :

§ 3. The said city court shall have civil jurisdiction in all actions for the recovery of money, only where the amount demanded in the summons or for which judgment shall be asked, entered or rendered, shall not exceed one thousand dollars, and the interest thereon, exclusive of costs and disbursements, provided that one of the parties to the action shall be a resident of the city of Yonkers, or a resident of a town in the county of Westchester adjoining said city, or where the defendant shall have property within said city which may be taken on attachment or execution in said action, and the summons may be served within the said city or at any place within Westchester county. In any action commenced before a justice of the peace within the city of Yonkers, the justice before whom such action shall be pending, upon the application of the defendant in such action, shall make an order removing such action at any time after issue joined, and before trial, into the city court of Yonkers, upon the said defendant executing to the plaintiff an undertaking, in a penalty not exceeding two hundred dollars, with one or more sufficient sureties to be approved of by the city judge of Yonkers or by the justice before whom such action is pending, conditioned to pay to the plaintiff the amount of any judgment that may be awarded against the defendant by said city court in such action, and thereupon the said city court of Yonkers shall have the same jurisdiction in said action as though the same had originally been brought in said city court.

Jurisdiction of city court defined.

Action in justice's court in the city of Yonkers, how removed into city court.

§ 2. Section ten of said act is hereby amended to read as follows, namely :

§ 10. The clerk of the city court of Yonkers shall keep in his office a book, to be called a judgment docket, and he shall docket all judgments rendered in said court, and a transcript of the docket of any such judgment, issued by the clerk of the city court of Yonkers, under the seal of said city court, may be filed in the office of the clerk of any county in the State, and such judgment shall thereupon be docketed in such county, and the same may thereupon be enforced in the same manner, and the same proceedings taken thereon, with like effect in all respects, as if such judgment had been rendered in the Supreme Court and first docketed in the office of the clerk of the county of Westchester. When a transcript of the docket of any such judgment shall be filed in the office of the clerk of Westchester county, and there docketed, the same may be enforced at the election of the judgment creditor, either by proceedings in the city court of Yonkers, or before the city judge of Yonkers, or by proceedings before the county judge of Westchester county, or in the county court of Westchester county, in the same manner as upon a judgment docketed upon the filing of a transcript of a

Docketing judgments.

Transcript, the filing thereof, and its effect.

Transcript filed and judgment docketed in Westchester county, how enforced.

Proceedings supplementary to execution, before city judge.

judgment rendered in a court of a justice of the peace. Whenever an execution against property of a judgment debtor, upon a judgment rendered in said city court shall be returned unsatisfied in whole or in part by the sheriff of Westchester county, or by the marshal of the city court of Yonkers, and the debtor shall reside in the county of Westchester, the same proceedings may thereupon be had before the city judge of Yonkers as by the provisions of chapter two of title nine of the act entitled "An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State," commonly called the Code of Procedure, and in such proceedings the city judge of Yonkers shall have all the power and jurisdiction in said chapter given to a county judge, and upon the making in any such proceedings by said city judge of Yonkers of an order appointing a receiver of the property of the judgment debtor, such order shall be filed and recorded in the office of the clerk of the county of Westchester with the like effect in all respects, as is provided in said chapter.

Jurisdiction of the city judge therein.

Order, appointing a receiver, where to be filed.

§ 3. Section fourteen of said act is hereby amended to read as follows, namely:

Costs.

§ 14. In all actions where the amount recovered is fifty dollars or more, when the defendant does not appear, the plaintiff shall be entitled to the sum of ten dollars for his costs, beside his disbursements. Where the amount recovered is two hundred dollars or more, fifteen dollars costs and his disbursements, and where an issue is joined and a trial had, in all cases, ten dollars in addition. Where the amount claimed in the summons shall be less than fifty dollars, the prevailing party shall be entitled to recover his disbursements. If judgment be given against the plaintiff in any action where the amount claimed shall be fifty dollars or more, after an appearance by the defendant, the defendant shall be entitled to the sum of ten dollars, when judgment is rendered without trial, and twenty dollars where a trial is had upon an issue of fact, and in an action where a trial shall be had wherein the claim is two hundred dollars or over, the court may, in its discretion, award to the prevailing party an allowance, independent of costs, not exceeding twenty-five dollars. On the granting or denial of a new trial, or of any motion, costs may be allowed to the prevailing party in the discretion of the court, not to exceed ten dollars, and the appellant shall be entitled on the reversal of judgment by the county court to twenty-five dollars costs, and the respondent on affirmance thereof, twenty-five dollars, and on appeal from any order, ten dollars. The clerk of this court shall adjust, tax and insert the costs, together with all necessary disbursements, in the entry of judgment, on the application of the successful party, upon a notice of two days to the adverse party; but such costs shall be subject to retaxation by the court, if either party be aggrieved thereby, upon a notice to the other party of two days.

Extra allowance, amount thereof.

Costs on appeal.

Clerk to tax costs and enter same in judgment.

§ 4. Section twenty of said act is hereby amended to read as follows, namely:

Clerk's fees.

§ 20. There shall be paid to the clerk of the city court, the following fees: In all actions where the amount claimed shall be fifty dollars or more, two dollars and fifty cents for every trial in said court, which fees shall be paid before the action is placed on the calendar; twenty-five cents for every transcript of judgment; one dollar for entering judgment. Where the amount claimed shall be less than fifty dollars his fees shall be the same as, by law, are required to be paid a court of a justice of the peace, and jurors shall be paid, in such cases, the same fees as in such justices' courts, and all fees shall be paid before the

Jurors' fees.

entry of judgment. All fees or fines paid to the city judge or to the clerk of the city court, except jurors' fees, shall be paid over to the city treasurer, to the credit of the city of Yonkers. The clerk of said court shall keep an account of all moneys received by him, and the same shall, at all times, be open for inspection of the treasurer of the city of Yonkers. Every juror who shall actually sit on the trial of an action in the city court, where the amount claimed shall be fifty dollars or more, shall receive the fee of twenty-five cents, and the sheriff or marshal shall, in each case tried, receive the sum of three dollars for his services in summoning the said jury and attending the court during the trial of the cause for which said jury may have been summoned. The said marshal or sheriff and jury shall be paid their fees out of the jury fee fund. The said marshal shall be entitled to the same fees as the sheriff of Westchester county for like services, to be paid by the party requiring his services.

What fees paid to city treasurer.

Clerk to keep an account. Jurors' fees.

Sheriff's or marshal's fee.

§ 5. An appeal from an order or judgment of the city court of Yonkers must be taken within thirty days after written notice of the entry of such judgment or order.

Time for appeal.

§ 6. Whenever a panel of jurors shall have been drawn and summoned in said city court, and shall thereafter be discharged, it shall be the duty of the clerk of said court to return to the jury box the names of all such jurors as shall not have been actually impaneled for the trial of an action, and when so returned to such box they may again be drawn in the same manner as though such names had not been previously drawn therefrom.

Clerk to return names of jurors to jury box in certain cases.

§ 7. This act shall take effect immediately.

Chap. 172.

AN ACT to amend an act entitled "An act requiring canal superintendents to publish monthly abstracts of their official disbursements," passed March twenty-fifth, eighteen hundred and fifty-three.

Passed April 14, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter fifty-two of the laws of eighteen hundred and fifty-three, entitled "An act requiring canal superintendents to publish monthly abstracts of their official disbursements," passed March twenty-fifth, eighteen hundred and fifty-three, is hereby amended so as to read as follows:

§ 1. It shall be the duty of each canal superintendent of this State, or of the officer upon whom the duties of superintendent shall be devolved, on or before the twentieth day of each month, to publish in some newspaper printed in any county through which any part of the section of canal in his charge shall pass (giving preference to a newspaper published in a city and town located on the line of the section of canal in his charge, or in the county of his residence when possible), an abstract of his official disbursements during the preceding calendar month, stating therein the name and residence of every person to whom he has paid money, and the amount paid to each; if for labor, the number of days and the amount per day; if for material, the kind, quantity and price; also a similar statement of all tools and implements

Monthly abstract of disbursements to be published.

Contents of abstract.

Verifica-
tion.

Expense
of publi-
cation.

purchased, which abstract, verified by the oath of such superintendent, shall be published in the entire weekly edition of such newspaper, and said superintendent shall also make and file a duplicate thereof in the office of the county clerk in the county in which such superintendent shall reside. The expense of publication herein provided for, at not exceeding the legal rates now allowed by law for the publication of the Session Laws, shall be included from time to time in the monthly abstracts of the superintendent, and the amount thereof shall be paid in like manner, and upon like vouchers, as other disbursements and expenditures of the said superintendent are audited and paid; the said publication to be made in such form and manner as may be prescribed by the auditor, and the expense for publication shall be determined and approved by him.

§ 2. Section two of said act is hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 173.

AN ACT to fix the time for transacting the business of the town at the annual town meeting for election of town officers.

Passed April 14, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Time for
transac-
tion of
business.

SECTION 1. The time for transacting the business of the towns in the State of New York, which requires a vote of the people thereof, shall be and is hereby fixed at twelve o'clock, M., of the day of the annual town meeting for the election of town officers, and continue without adjournment till finished, excepting the balloting for town officers and the duties connected therewith.

§ 2. No question involving the expenditure of money shall be introduced after two o'clock P. M., of the same day.

Not appli-
cable to
certain
towns.

§ 3. This act shall not apply to any town in this State, wherein the manner of holding town meetings is regulated by special act.

§ 4. This act shall take effect immediately.

Chap. 174.

AN ACT to enable the trustees of the village of Batavia, in the county of Genesee, in this State, to raise money by a special tax, to pay the existing debt of said village.

Passed April 14, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Special
tax auth-
orized.

Amount
thereof.

How ap-
plied.

SECTION 1. The trustees of the village of Batavia, in the county of Genesee, in this State, are hereby authorized and empowered to raise and collect by a special tax upon the taxable inhabitants and property of the said village, the sum of three thousand four hundred and ninety-six dollars and eighty-nine cents, and are hereby directed to apply the same solely to the payment of the debts and liabilities of said village, existing on the tenth day of March, eighteen hundred and seventy-four.

§ 2. The tax hereby authorized shall be assessed, levied and collected in the same manner that taxes are now authorized to be collected by the charter of said village, and may be included in the annual village tax, for the year eighteen hundred and seventy-four.

Tax, how
levied and
collected.

§ 3. This act shall take effect immediately.

Chap. 175.

AN ACT to amend an act entitled "An act to amend and consolidate the charter of the village of Le Roy," passed April sixth, eighteen hundred and fifty-seven, and of the acts amendatory thereof.

Passed April 14, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of title one of an act entitled " An act to amend and consolidate the charter of the village of Le Roy," passed April sixth, eighteen hundred and fifty-seven, is hereby amended so as to read as follows :

§ 1. All that district of country hereafter described shall be known and distinguished by the name of the village of Le Roy, that is to say : All that part of the town of Le Roy, in the county of Genesee, bounded as follows, to wit : beginning at a point in the center of the Niagara road, on the west line of James R. Flinn's farm ; thence south, five degrees west, fifty-six chains and fifty links ; thence south, eighty-nine degrees and thirty-minutes west, to the west line of Summit street ; thence north, eighty-two degrees and fifteen minutes west, to a point in the west line of lands of the Rochester and State Line Railway Company's lands ; thence northerly, on a line to a point in the center of the Niagara road, ten feet east of the center of the culvert constructed in said Niagara road, near the east line of the Benjamin Wilcox farm ; thence north, fifty-nine chains to a point ; thence easterly on a line to the center of Lake street at its intersection with the Blodgett road ; thence easterly, to a point in the west line of the Flinn farm, fifty-nine chains north of the center of the Niagara road ; and thence southerly, on the west line of the Flinn farm, to the center of the Niagara road, to the place of beginning.

Village
bounda-
ries.

§ 2. Section one of title three is hereby amended so as to read as follows :

§ 1. The officers of the village shall be five trustees (one of whom shall be president of the board of trustees), one treasurer, one clerk, one police constable, who shall also be collector of taxes and assessments, and three assessors, all of whom shall be elected by ballot by the electors of said village, and hold their offices respectively for one year, and until their successors shall be duly qualified, excepting only the trustees of said village, who at the first election shall be elected for the respective period of one, two, three, four and five years, the persons so elected to determine their respective term of office by lot, and one trustee to be elected annually thereafter to hold his term of office for five years. Such trustees shall not receive any compensation for their services. Also, excepting the assessors who, at the first election, shall be elected, one for one year, one for two years, and one for three years, and one annually thereafter for the term of three years.

Village
officers.

How elec-
ted, and
term of
office.

First trus-
tees to fix
their term
of office
by lot.

§ 3. Subdivision ten, section three, title four, is hereby amended so as to read as follows :

Powers of trustees.

Railroad crossings.

10. To compel all owners and agents of railroads to erect and maintain, at their own expense, at all, or any intersections or crossings, suitable lamps, and to keep lights burning therein during the night time, for the safety and protection of persons and teams passing along such streets, or upon such sidewalks, and to prohibit any and all railway cars and trains from stopping or standing in or upon any public street or highway in said village.

§ 4. Subdivision twenty-two, section three, title four, is hereby amended so as to read as follows :

Hawking and peddling.

22. To restrain and prevent hawking and peddling in the streets ; to regulate, restrain or prohibit sales by auction, and to grant licenses to auctioneers.

§ 5. Subdivision twenty-five, section three, title four, is hereby amended so as to read as follows :

Fire department.

25. To establish and organize a fire department, to be composed of one or more fire and hook and ladder, bucket, hose and hydrant companies, in said village ; and regulate the management, use and protection of the engines, hose-carts, hooks and ladders and buckets belonging to said village ; to prescribe the powers and duties of the fire, hose, hook and ladder, hydrant and bucket companies, and all members thereof in any particular, the members of which shall always be subject to removal by the trustees, and such trustees shall have power to employ and pay such companies annually for their services a sum not exceeding two hundred dollars, to be paid from the general fund of said village.

Compensation of firemen.

§ 6. Section seven, title four, is hereby amended so as to read as follows :

General powers of trustees.

Penalties.

Competency of justice, &c.

Fines.

§ 7. The said trustees shall have power to enforce all provisions of this act, and all rules, regulations, ordinances and by-laws, by them enacted or ordained in pursuance of the powers conferred upon them by this act, by enacting or ordaining penalties to be incurred for each and every violation of the same, not exceeding one hundred dollars for any one offense, to be recovered, with costs, in an action in the corporate name of said village, in any court having cognizance thereof ; and no person shall be deemed incompetent either as justice, judge or juror or witness, by reason of his being an inhabitant of said village, upon any trial for the recovery thereof. And all fines imposed by any justice of the peace for any violation of the excise laws of the State of New York, or for any breach of the peace committed within the corporate limits of said village, shall be paid into the treasury of said corporation by the officer receiving the same, within ten days after the payment thereof to him, and shall become the property of said village.

§ 7. Section ten, title four of said act, is hereby amended so as to read as follows :

Fire engines and other apparatus.

Water-works.

§ 10. The trustees shall have power to procure fire-engines and other apparatus for the extinguishment of fires, and have the charge and control of the same, and to provide fit and secure engine-houses and other places for keeping and preserving the same, and also power and authority to purchase machinery, main-pipes, hydrants and all necessary appliances and appurtenances for the construction of water-works for extinguishing fires in said village, and to levy and collect all sums upon the taxable property of said village, necessary for the payment

thereof, such tax, however, not to exceed two thousand dollars in any one year, and to be levied and collected with the general tax.

§ 8. Section one, title seven, is hereby amended so as to read as follows :

§ 1. The trustees of the said village shall have power to raise, levy and collect, by tax upon the taxable inhabitants and property in said village, for the purchase of any real or personal property for the use of said corporation, and to carry out the general objects and to defray the ordinary expenses thereof, such sums as they shall deem proper, not exceeding two thousand dollars in any one year ; and also such additional sum, not exceeding one thousand dollars in any one year, as shall be authorized by a vote of the electors who are taxable upon their real or personal property, at the annual meeting for the election of officers in such year. Power of taxation.
Objects.

§ 9. Section two of title seven is hereby amended so as to read as follows :

§ 2. The said trustees shall also have power to assess, levy and collect, by tax upon the taxable inhabitants and property in said village, annually, such an amount, denominated highway tax, as they shall deem necessary, not exceeding the sum hereinafter specified, which highway tax shall be assessed as follows : Highway tax.

Upon all persons owning property and estate, real and personal, incorporated companies, banks and banking associations in said village, according to the value of their real and personal estate in said village, not exceeding one dollar for each two hundred dollars, and in addition thereto, the sum of one dollar upon each male inhabitant of twenty-one years of age and upwards, which moneys shall be expended by the superintendent of highways, under the direction and control of the trustees, upon the streets, highways and bridges in said village, and as otherwise by this act authorized and directed. All bridges across the stream or river called "Allen's creek," in said village, shall be built and rebuilt by the town of Le Roy, in the same manner as if this act had not been passed. Persons and corporations liable thereto.
Bridges.

§ 10. This act shall take effect immediately.

Chap. 176.

AN ACT to incorporate The Utica and Fair Ground Railroad Company.

Passed April 14, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Charles M. Dennison, Thomas R. Proctor, Charles W. Hutchinson, Miles C. Comstock, Arthur B. Johnson, and their associates, successors and assigns, are hereby created a body corporate by the name of The Utica and Fair Ground Railroad Company, and, as such, are hereby authorized to construct, operate and maintain a railroad, with one or more tracks, and to convey passengers and freight thereon for compensation, from or near the depot of the New York Central and Hudson River Railroad, near Genesee street, in the city of Utica, to the entrance of the grounds used by the Central New York Agricultural, Horticultural and Mechanical Association, for holding their fairs on Bleecker street, in the city of Utica, by such route as the directors of the company hereby authorized may select, except that such route Corporators.
Corporate name.
Terminal of road.
Route.

shall not lie along any existing public street of the city of Utica, unless the consent of the common council of said city and that of the owners of three-fourths of the property fronting thereon shall first be obtained, in writing, and filed in the office of the city clerk of said city.

May or-
ganize
under act
of 1850.

§ 2. It shall be lawful for the said grantees, their associates, successors and assigns, to organize under the act of the legislature of the State of New York, entitled "An act to authorize the formation of railroad companies and to regulate the same," passed April second, eighteen hundred and fifty, and the acts amendatory thereof, and all the provisions of said acts not in conflict with this act shall apply to the corporation hereby authorized.

Number
of incor-
porators.
Draw
bridge.

§ 3. The number of incorporators and directors of the company hereby authorized shall not exceed thirteen nor be less than five.

§ 4. The said grantees and their associates, successors and assigns may construct a draw, or swing, or lift-bridge for the passage of cars over the Erie canal at such point in the city of Utica, easterly of the Clay street bridge in said city, as they may select, subject to the approval of the State Engineer and Surveyor and the Canal Commissioner in charge; but no pier or piers for said bridge shall be placed within the prism of the canal; and the expenses of constructing, keeping and maintaining the said bridge shall be defrayed by the said company.

Rates of
fare and
freight.

§ 5. It shall be lawful for the said company to regulate the rates of fare for transporting passengers and freight over the said railroad, but the rates of fare for the transportation of passengers to or from the termini of the road, or to or from any intermediate point, shall not exceed twenty-five cents.

§ 6. This act shall take effect immediately.

Chap. 177.

AN ACT to change the name of the village of Warren, in Rockland county, State of New York, to "Haverstraw."

Passed April 14, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of the village of Warren in the county of Rockland, incorporated under the provisions of the statute of the State of New York, authorizing the incorporation of villages, is hereby changed to "Haverstraw." All proceedings now pending by or against the said village of Warren shall be continued in the name of the village of Haverstraw.

§ 2. This act shall take effect immediately.

Chap. 178.

AN ACT to facilitate the construction of the New York and Canada Railroad, and reappropriating certain moneys, to aid in the construction of said road.

Passed April 15, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The New York and Canada Railroad Company, upon building and completing, ready for operation, a first-class railroad from Whitehall, in the county of Washington, to Ticonderoga, in the county of Essex, in the State of New York, within two years from the passage of this act, shall be entitled to receive, and shall receive from the Treasurer of this State, the unexpended moneys raised by an act entitled "An act to facilitate the construction of the Whitehall and Plattsburgh Railroad," passed March twentieth, eighteen hundred and sixty-seven, and reappropriated by an act to amend said act, passed April twenty-seventh, eighteen hundred and sixty-nine, and again reappropriated by an act further amending said act, passed April twenty-eighth, eighteen hundred and seventy-one, and again reappropriated and granted to the New York and Canada Railroad Company upon certain conditions, by an act entitled "An act to facilitate the construction of the New York and Canada railroad, and extending thereto the provisions of certain laws relating to the Whitehall and Plattsburgh Railroad Company," passed April third, eighteen hundred and seventy-two, being the sum of seventy-three thousand and ninety dollars; and the moneys so raised and reappropriated in and by the above mentioned acts, and which have not been paid to the treasurer of the Whitehall and Plattsburgh Railroad Company, are hereby again reappropriated to aid in the construction of a railroad from Whitehall north, within the State of New York aforesaid, and the Treasurer of the State is hereby directed to pay said amount to the New York and Canada Railroad Company in the same manner and upon the same conditions provided for the payment thereof to said Whitehall and Plattsburgh railroad in said act, making said original appropriation.

Condi-
tions.

Reappro-
priation.

§ 2. This act shall take effect immediately.

Chap. 179.

AN ACT to improve Fourth street in the city of Brooklyn.

Passed April 15, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The board of city works of the city of Brooklyn are hereby authorized, empowered and directed to cause Fourth street, in the city of Brooklyn, from North Tenth street to its termination at Orchard street, to be graded, curbed, guttered, paved, and culverts placed therein, and improved in such manner and with such pavement as in the judgment of said board shall be for the best interest of said street and the city.

Street to
be graded,
&c.

Proposals. § 2. The said board of city works shall, within ten days after the passage of this act, or as soon thereafter as practicable cause advertisement to be made for ten days in the corporation papers, for proposals for making the improvement aforesaid, and the contract for doing said work shall be awarded to the lowest bidder therefor.

Assessment. § 3. The expense of the improvement of the aforesaid Fourth street, as hereby authorized and directed, shall be assessed upon the lands lying within a district of one hundred feet on each side of such extension or improvement and along the whole length thereof; and all laws relative to such improvement in said city of Brooklyn shall apply to the improvement hereby authorized, except that the said board of city works may proceed and cause such work to be done and improvement made without petition therefor and without previous notice or advertisement for remonstrances and that the amount to be assessed on any lot of land for such improvement shall not be in any manner limited by the value or estimated value thereof.

Existing laws applicable. **Exception.** **Sum to be reserved for completion of improvement.** **Prohibition.** § 4. Immediately, on the passage of this act, the comptroller of the city of Brooklyn shall reserve, out of the collections for or bonds issued or to be issued for local improvements in the city of Brooklyn, under an act entitled "An act to restrict the power of the city of Brooklyn to issue bonds or loan its credit for local improvements," passed May tenth, eighteen hundred and seventy-two, a sum declared to be necessary by the board of city works of the city of Brooklyn, to fully carry out and complete this improvement, and he is hereby prohibited from certifying the legality of any contract made under the direction of the common council of the city of Brooklyn for grading and paving of streets, digging down of lots, filling in of lots, fencing of lots or flagging of sidewalks, until a sufficient sum shall have been reserved by him for the purpose aforesaid.

§ 5. This act shall take effect immediately.

Chap. 180.

AN ACT to repeal an act entitled "An act to amend chapter six hundred and sixty-four, laws of eighteen hundred and sixty-seven, entitled 'An act to enable the supervisors of Montgomery county to refund illegal taxes,' passed April twenty-three, eighteen hundred and sixty-seven," passed May sixteenth, eighteen hundred and seventy-three.

Passed April 15, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Repeal. SECTION 1. The act entitled "An act to amend chapter six hundred and sixty-four of the laws of eighteen hundred and sixty-seven, entitled 'An act to enable the supervisors of Montgomery county to refund illegal taxes,' passed April twenty-three, eighteen hundred and sixty-seven," passed May sixteenth, eighteen hundred and seventy-three, is hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 181.

AN ACT to authorize the construction of a street railroad
in the village of Catskill.

Passed April 16, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. M. B. Mattice, Rufus H. King, Hiram Van Steenburgh, Joshua Fiero, Jr., E. P. Bushnell, Samuel Harris, George Beach, Jacob H. Meech, N. Swartwout, John A. Sanderson, and those who may be now or hereafter associated with them, are hereby created a corporation, and are authorized to construct, lay, operate and use a railroad with one or more tracks, with all necessary turnouts and branches, and to carry passengers and freight for a compensation, from a point at the Catskill Point (so called), where Main street intersects the ferry slip, with the right to said corporation to run through any other street now or hereafter laid out at Catskill Point as the corporation may elect, and from such point through and along Main street to the corporation line at its northwesterly boundary, along what is known as Jefferson Hill, or may terminate at the head of the street, opposite Swartwout's store, as the said corporation may elect.

Corporators.

May construct railroad. Termini and route.

§ 2. The capital stock of said company shall be ten thousand dollars, with the right to increase the same to twenty thousand dollars, to be divided into shares of fifty dollars each.

Capital stock.

§ 3. The track of said road shall be laid with such rails as will least obstruct the passage of vehicles and carriages across the same, and shall conform to the grades of the streets as they now are or shall from time to time be established and altered. Said corporation shall complete and operate said road within five years after the passage of this act, and the powers and privileges granted under this act are limited to ninety-nine years.

Rails, grades, &c.

Time for completion.

§ 4. The cars used on said road shall be drawn by horses or mules, and shall be run as often as the public convenience shall require, and suitable and sufficient cars for the accommodation of the public shall be provided.

Running of cars.

§ 5. If any passenger shall refuse to pay his fare, it shall be lawful for the conductor of the car and the servants of the corporation to put him and his baggage out of the car, upon stopping the same and using no unnecessary force.

Refusal to pay fare.

§ 6. No greater amount than ten cents shall be charged for one person one way for riding any distance over said road.

Fare, rate of.

§ 7. The corporation hereby authorized shall be known as "The Catskill Horse Railroad Company," and by that name may sue or be sued, and the persons named in the first section of this act shall be directors of said company for the first year and until others are duly elected; they shall have power to issue stock as the necessities of the road may require up to an amount not to exceed the sum of twenty thousand dollars, to make such by-laws, rules and regulations not inconsistent with existing laws as may be necessary for conducting the business and affairs of the company, and the corporation hereby created shall be subject to all the provisions contained in the third title of the eighteenth chapter of the first part of the Revised Statutes, and also to the regulations concerning the election of directors of moneyed corporations, con-

Corporate name.

First directors.

Their powers.

Provisions of Revised Statutes applicable.

tained in article second of the second title of the eighteenth chapter of the first part of the Revised Statutes, so far as the said provisions and regulations are applicable.

Payment
of stock
subscriptions.

Penalty
for neg-
lect.

Notice.

§ 8. The directors may require the subscribers to the capital stock of the company to pay the amount by them respectively subscribed in such manner and in such installments as they may deem proper; if any stockholder shall neglect to pay any installment, as required by a resolution of the board of directors, the said board shall be authorized to declare his stock and all previous payments thereon forfeited for the use of the company, but they shall not declare it so forfeited until they shall have caused a notice, in writing, to be served on him personally, or by depositing the same in the post-office properly directed to him at the post-office nearest his usual place of residence, stating that he be required to make such payment, at the time and place specified in said notice, and if he fails to make the same, his stock and all previous payments thereon will be forfeited for the use of the company; which notice shall be served as aforesaid, at least sixty days previous to the day on which such payment is required to be made.

Liability
of stock-
holders.

§ 9. Each stockholder of said company shall be individually liable to the creditors of said company to an amount equal to the amount unpaid on the stock held by him for all the debts and liabilities of such company until the whole amount of the capital stock so held by him is paid to the company; and all the stockholders of said company shall be jointly and severally liable for all the debts due or owing to any of its laborers or servants for services performed for such corporation, but shall not be liable to an action therefor before an execution shall be returned unsatisfied in whole or in part against the corporation, and then the amount due on such execution shall be the amount recoverable with cost against such stockholder.

Powers of
corpora-
tion.

§ 10. The corporation hereby created shall possess the like power to acquire real and personal property necessary for its use, to issue and dispose of its bonds and to make loans with security on its property therefor, as is possessed by corporations organized under an act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty.

§ 11. This act shall take effect immediately.

Chap. 182.

AN ACT to establish the Evangelical Italian Orphan Asylum.

Passed April 16, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corpora-
tors.

Corporate
name and
location.

Objects.

SECTION 1. A. R. Van Nest, Jr., James Lorimer Graham, Jr., Larkin G. Mead, Edwin Lamson, Gardner Swift Lamson, Robert Lenox Kennedy and Albert S. Barnes, and their successors in office, are hereby created a body corporate and politic under the name of the "Evangelical Italian Orphan Asylum." Such corporation shall be established in the city of New York, and may exercise its functions as to the care of its beneficiaries in the city of Florence and elsewhere in Italy, and its object shall be to provide for the destitute children of evangelical christians of all denominations; those who are absolute orphans having

the first claim upon its charity. The persons named in this section shall be the first trustees of said corporation. First trustees.

§ 2. The said corporation shall be managed by a board of seven trustees, and shall have power to have and use a common seal, and to renew and alter the same at its pleasure; to sue and be sued by its corporate name in all courts of law and equity; to make such by-laws, not inconsistent with the Constitution and laws of this State, or of the United States, or of the kingdom of Italy, as shall be deemed advisable, and to hold and enjoy all the rights and privileges which belong to benevolent and charitable associations, under and by virtue of the laws of the State of New York, so far as the same may be consistent with the constitution and laws of the kingdom of Italy. General powers.

§ 3. The corporation hereby created shall also have power to lease or purchase and hold such real and personal estate as may be required for the uses and purposes of said corporation, and may take and hold real and personal estate as aforesaid, by gift, grant or devise, at any place within the said kingdom of Italy, subject to the constitution and laws of said kingdom, and may, subject as aforesaid, mortgage, sell and convey or lease any of its real or personal estate, whenever it shall be deemed advisable so to do. Any conveyance, mortgage or lease of real estate by said corporation shall be signed by the president and secretary, and shall be sealed with the seal of said corporation. May take by gift, grant or devise.
May mortgage or convey.

§ 4. The domestic, internal management and care of the beneficiaries of the said corporation shall be under the direction of a committee of ten ladies, to be called the "Executive Committee," a majority of whom shall be residents for the time being in the kingdom of Italy. Such committee shall in the first instance be chosen by a majority vote of the trustees. After being so constituted, said committee shall have power to choose their successors. The trustees shall have power to supervise the direction of said executive committee, and may by a two-thirds vote annul and rescind any order, measure or direction of said committee, and may, by a like vote, on notice, for cause shown, remove any member of said committee. Executive committee.
How chosen.

§ 5. The trustees shall elect out of their own number annually, a president, a secretary and a treasurer, and may elect or appoint other officers or agents of the corporation as they may deem necessary. All elections shall be held, and all appointments made, in a manner to be prescribed by the by-laws of the corporation. In the event of a vacancy in the office of any trustee, by death or otherwise, the same may be filled by the remaining trustees at any regular meeting of the board. Officers.

§ 6. This act shall take effect immediately.

Chap. 183.

AN ACT to authorize the Buffalo Street Railroad Company to make certain contracts with the Buffalo East Side Street Railway Company.

Passed April 16, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Buffalo Street Railroad Company is empowered to guarantee the payment of any bonds which may be issued by the Guaranty.

Proviso.

Buffalo East Side Street Railway Company, upon such security against liability by reason of such guaranty, to be given by said Buffalo East Side Street Railway Company, as may be agreed upon between the parties; provided, however, that no such guaranty shall be given except with the consent of three-fourths of the directors, and three-fourths in amount of the stockholders of said Buffalo Street Railroad Company.

§ 2. This act shall take effect immediately.

Chap. 184.

AN ACT to release the interest of the People of the State of New York in and to certain land situate in the town of Hamburg, Erie county, to George Irensterter.

Passed April 16, 1874; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Title of
state re-
leased.

SECTION 1. The interest of the people of the State of New York of, in and to all that tract or parcel of land situate in the town of Hamburg, Erie county, New York, which was conveyed to Elizabeth Irensterter by John G. Brendel, by deed dated the nineteenth day of May, eighteen hundred and seventy-one, and recorded in the Erie county clerk's office on the twenty-fourth day of May, eighteen hundred and seventy-one, in liber three hundred and five of deeds, at page two hundred and seventy-four, is hereby released to and vested in George Irensterter, the husband of the late Elizabeth Irensterter, deceased, and his heirs and assigns forever, subject to any incumbrance that may be on said land at the date of this act.

Proviso.

§ 2. Nothing herein contained shall be construed to impair, release or discharge any right, claim or interest of any creditor by mortgage, judgment or otherwise, or of any heir-at-law or devisee in said real estate.

§ 3. This act shall take effect immediately.

Chap. 185.

AN ACT to authorize the board of supervisors of the county of Putnam to issue bonds to pay its indebtedness to the State.

Passed April 16, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Bonds.

Amount
thereof.

Tax.

SECTION 1. The board of supervisors of the county of Putnam is hereby authorized to issue the bonds of said county, bearing not more than seven per cent. interest per annum, and payable at such time or times not later than March first, eighteen hundred and seventy-seven, sufficient to pay the present indebtedness of said county of Putnam to the State; and any bonds authorized by said board of supervisors, in pursuance of this act, shall be a lawful debt against said county of Putnam, and it shall be the duty of the board of supervisors of said county to levy a tax to pay such bonds and the interest thereon as they shall become due.

§ 2. All bonds issued under and pursuant to this act shall be signed How executed. by the chairman and clerk of the board of supervisors, and countersigned by the county treasurer of the county at the same time they are issued. Such bonds shall be in sums of not less than one hundred nor Denomination. more than one thousand dollars each, and shall not be disposed of by said county treasurer for less than the par value thereof.

§ 3. This act shall take effect immediately.

Chap. 186.

AN ACT for the relief of the president, directors and company of the Schoharie Kill Bridge Company.

Passed April 16, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The president, directors and company of the Schoharie Toll-gate. Kill Bridge Company may, at any time hereafter, establish another toll-gate at such point on the turnpike road as they shall select, not less than five miles easterly from their present eastern gate ; and at all Toll. times thereafter, they may charge, receive and collect, at either or both of said gates, such fixed rates of toll as they may from time to time prescribe, not exceeding for both said gates the rates which they are now authorized to charge, receive and collect at their said eastern gate. Repeal.

§ 2. All acts and parts of acts inconsistent herewith are hereby repealed, in so far as they conflict with this act.

§ 3. This act shall take effect immediately.

Chap. 187.

AN ACT supplementary to "An act to amend an act to incorporate the city of Ogdensburgh, passed April twenty-seventh, eighteen hundred and sixty-eight, and the acts amending the same."

Passed April 16, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The publication of official notices provided in chapter four Amendment. hundred and six of the laws of eighteen hundred and seventy-three, entitled "An act to amend an act to incorporate the city of Ogdensburgh, passed April twenty-seven, eighteen hundred and sixty-eight, and the acts amending the same," which act provides for the publishing of notices in the newspapers of the city of Ogdensburgh, is hereby amended so as to read two newspapers of said city to be designated by the common council of said city, and such publication of any notice in Two newspapers to be designated. two newspapers published in said city shall be deemed a compliance with the provisions of said act.

Chap. 188.

AN ACT to provide a board of water commissioners for the village of Plattsburgh, and to prescribe and regulate their duties and amend chapter two hundred and seventy-five, of the laws of eighteen hundred and fifty-nine, relating to the incorporation of said village.

Passed April 16, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Board of
water
commis-
sioners.

SECTION 1. William Reed, Ebenezer S. Winslow and Bentley R. Sherman, and their successors, shall, after their qualification as hereinafter provided, form the board of water commissioners for the village of Plattsburgh, and shall be known as "The Water Commissioners of the village of Plattsburgh."

Present
superin-
tendent of
water-
works.

§ 2. The present superintendent of water-works of said village shall be the "superintendent of water-works" under the provisions of this act until May first, eighteen hundred and seventy-five, unless sooner removed by the "water commissioners," as hereinafter provided.

First mem-
bers of
board,
their
terms of
office.

§ 3. The members who shall first constitute said board shall hold their offices as follows: said Reed for six years, said Winslow for four years and said Sherman for two years, and until others are appointed and qualify in their places.

Term of
office of
commis-
sioners.
How ap-
pointed.

§ 4. Except as above provided, such commissioners shall hold their offices for six years, and until others are appointed and qualify in their places; and as their terms of office shall expire, the county judge of Clinton county, with the advice and consent of the board of trustees of said village, shall appoint some suitable person to said office, and all vacancies caused by death, resignation, removal, refusal to qualify, or otherwise, shall be filled in like manner for the term or the remainder of the term of the person whose vacancy shall be so filled.

Official
oath and
bond.

§ 5. Every commissioner, before entering upon office, shall take and subscribe the oath of office, and file the same in the office of the clerk of said village, and shall execute and deliver to the trustees of said village a bond, approved by the county judge, in the sum of ten thousand dollars, conditioned for the faithful performance of his duties and the faithful accounting for all moneys which shall come into his hands.

Powers of
board.

§ 6. Immediately upon its organization the exclusive control and management of the water-works of said village shall be transferred to and vested in said board of water commissioners and it shall have all the rights, privileges, authority and power in and over said works now vested, by existing laws, in the trustees or board of trustees of said village; and the said board of water commissioners is hereby charged with the duty of managing said works so as to attain the object for which they were constructed, of preserving the purity of the water and a sufficient supply thereof, and generally of keeping said works in a state of efficiency and repair. They shall prosecute and defend all suits respecting said water-works, and land, fixtures, erections, rights, and privileges, and property belonging to the same or connected therewith, and all contracts relating thereto, and shall prosecute for penalties for violating the rules and regulations relating

Their du-
ties.

thereto, and for all injuries done to said works, or the rights and privileges belonging thereto or connected therewith. But the said commissioners shall not have power to make any contract for the purposes herein provided, whereby the said village shall incur a liability exceeding five thousand dollars, without the consent of the board of trustees of said village.

Consent of
village
trustees.

§ 7. The said board of commissioners may make by-laws and regulations for its own government and the government of all officers and employees whom they may appoint. They shall, upon the expiration of the term or removal under the provisions of this act, of the present superintendent of water-works, appoint an officer to be called the "superintendent of water-works," and shall require the "superintendent of water-works" to devote his time and attention to said water-works. They shall also make, within thirty days after the first of January of each year, a report of the condition of the works for publication, which report shall also contain a statement verified by them of the aggregate amount of moneys received during the calendar year preceding said report, and the aggregate amount paid out for the said year, and whether any, and how much moneys are due to or from said commissioners at the end of the said year. The said commissioners may prescribe to said superintendent such duties touching the management and control of said works as they deem proper, and shall require of him a bond to said commissioners with sufficient security for the faithful performance of his duties. They shall fix his salary, not to exceed eight hundred dollars per annum, and may remove him at pleasure, and they may also appoint and remove such other officers and employees as the water service may require and fix their salary and compensation.

By-laws.

Superintendent,
his
appointment.

Annual
report, its
contents.

Bond of
superintendent.
His
salary.

§ 8. It shall be the duty of said commissioners to keep a book in which shall be entered an accurate statement of their proceedings, and also a book or books containing an accurate account of all the receipts and disbursements, specifying the names of persons from whom and for what moneys have been received and to whom and for what moneys have been paid out, which books shall be at all times open for inspection by any legal voter of said village.

Books to
be kept.

§ 9. The said commissioners shall make or cause to be made a list, quarterly, or at such times as they may determine, of persons and property charged for water or its protection and benefit, and the amounts charged or laid therefor, and shall cause a notice to be published in at least one of the newspapers printed and published in said village, that said list has been made out and will remain in the office of the commissioners for inspection, and for the receipt of such water rents as may be voluntarily paid, for two weeks from the day of the first publication of said notice; and that on a day named in said notice, at least ten days from the first publication thereof, they will, at said office, hear and consider any objection that may be made to said list, and correct said list as they may deem proper, and confirm the same. After the expiration of two weeks as named in said notice, a list of said water rents remaining unpaid shall be made, as follows: They shall set down in three separate columns:

List of
persons
and property
charged
for water.
Notice.

Form of
list of unpaid
water
rents.

1. In the first column, the names of the owners or occupants of the premises so charged.

2. In the second column, the street, number of the premises, if any, and a description thereof sufficient to identify them.

3. In the third column, the amounts laid or assessed upon said premises; and deliver the same to the collector for collection, with their

Warrant for collection. warrant, under the hands of a majority of them annexed thereto, commanding him to collect from the several persons named in the said list or assessment roll the several sums remaining unpaid, in the third column opposite their names respectively, together with his fees for collecting the same. The collector may execute said warrant by levy upon and sale of goods and chattels, and the said warrant shall have like force and effect with a supervisor's warrant issued to a town collector. The collector shall pay over to the commissioners the moneys collected by him by virtue of said warrant, and make return thereof within the time limited therein, and if the sum payable by any person named in said list shall not be paid or collected by said warrant, the collector shall make return thereof under oath to the commissioners, and it shall and may be lawful for them to renew such warrant in respect to such delinquent person, or in case such person shall not reside within said village at the time of making out said list, or shall not reside therein at the expiration of the warrant, and no goods or chattels can be found therein whereon to levy the assessment, the commissioners may sue for and recover the same. The commissioners shall fix the fees of the collector, and require of him a bond in such sum as they deem reasonable, conditioned for the due and faithful performance of the duties of his office. The said commissioners may, if they deem it advisable, appoint, by a writing under the hands of a majority of them, some competent person to collect said rents, and direct their warrant to him. In such case they shall also require of him a bond and fix his fees, and the duties and powers of such collector shall be the same as herein above prescribed.

Renewal of warrant. Collector's fees.

Water rents, a lien. § 10. The said water rents or assessments, which may be laid or have heretofore been laid, shall be and continue to be a lien upon the premises in respect of which they have been or may be laid or charged; and after the first day of May, in each year whenever any such water rents shall have been due and unpaid from before the first day of January of such year, and the collector cannot collect the same, and shall have made return thereof, the commissioners may proceed to cause said premises to be advertised for sale at auction. By such advertisement the owner of said premises shall be required to pay the amount of such water rent or assessment remaining unpaid, together with interest at ten per cent. to the time of payment, with the expenses of advertisement and notices; and said advertisement shall give notice that in default of such payment such premises will be sold at public auction, at a day and place therein specified, for the lowest term of time at which any person shall offer to take the same, in consideration of advancing said water rent and interest as aforesaid, and all charges and costs accrued thereon. Such advertisement shall be published once in each week for two weeks successively in the newspapers printed and published in said village. A copy of said advertisement shall be served on the owner or agent of such premises, if a resident of said village, or on the occupant personally; and if the owner thereof be a non-resident, a copy of said advertisement shall be deposited in the post-office at least ten days before the day of sale, directed to his reputed place of residence, if known. A copy of such advertisement shall, also, before the sale, be filed in the office of the county clerk and be indexed by him in a proper book, to be furnished by the commissioners, and shall have like effect to a notice of pendency of action filed in said office, and the clerk shall be entitled to a fee of twenty-five cents for such filing and indexing. If the owner or occupant, or their representatives, shall refuse or neglect to pay said water rent, with interest and accrued charges as aforesaid, the said

Warrant how to be executed.

Advertisment of sale, its contents.

Publication of.

Service of.

To be filed in county clerk's office.

commissioners shall cause said premises to be sold for a term of time, for the purposes and in the manner expressed in said advertisement, and such sale may be continued from time to time, if necessary.

They shall also cause a certificate, in writing, to be given to the purchaser, describing the premises so purchased, the term of time for which the same shall have been so sold, and the sum paid therefor, and signed by the officer conducting the sale. At any time within a year after such sale, the owner or occupants of such premises, or their representatives, may redeem the same, by paying to the commissioners to the use of the purchaser, or his assigns, the sum paid by the purchaser and mentioned in the certificate. If such water rent, expenses and interest are not paid within one year from the date of sale, then the said commissioners shall execute to the purchaser, his heirs, executors, administrators or assigns, under the hands and seals of a majority of them, a lease of said premises so sold, for said term of time, to commence at and from the expiration of one year from the day of sale. Such lease shall be presumptive evidence that the sale and all proceedings prior thereto were regular and according to statute, and the said purchaser shall hold and enjoy said premises against the owner and all claiming under him, and may remove them from said premises, in the same manner as tenants holding over and continuing in possession after expiration of term without permission of the landlord may be removed by law.

Certificate to purchasers.

Redemption.

If premises not redeemed, lease to be executed.

Removal of owner or his tenant.

Record sales.

§ 11. There shall be kept in the office of the commissioners, which shall also be the office of the superintendent, a record of all such sales, called a sales-book, showing the amount of water rent, description of premises, date of sale and certificate, name of person to whom and term of time for which sold, time of delivery of lease, to whom delivered and when the same shall expire, and it shall be the duty of said superintendent or such other officer as the commissioners shall designate, to procure, preserve and register affidavits of publication and service of all notices necessary by this act, and to conduct the sales herein above provided to be made. Said sales-book shall be at all times open for inspection to every legal voter of said village.

Affidavits of publication, &c.

§ 12. It shall be the duty of said commissioners, out of the moneys received by them for water rents or otherwise, first, to pay the expenses of managing, superintending, maintaining and repairing said works, and out of the balance of said money, to pay the interest on the money borrowed for the purpose of constructing said works; and if any moneys shall remain in their hands after paying the sums aforesaid, to safely and securely invest the same, upon bond and mortgage or other securities bearing interest, as a sinking fund, out of which to pay the money so borrowed. If the commissioners shall at any time ascertain that there will not be sufficient money in their hands to pay the said expenses and said interest as it becomes due, they shall furnish to the trustees of said village a certificate setting forth such deficiency and the amount thereof. On the receipt of such certificate, it shall be the duty of said trustees to cause the said amount to be levied and collected as other village taxes are raised and collected, and thereupon to pay over the same to the said commissioners. And the said water commissioners, if they deem it advisable, may, with the consent of the board of trustees of said village, renew the bonds issued to borrow money to construct said works, as the said bonds fall due, and on the same terms and conditions on which they were first issued. Said renewal bonds to be signed by said commissioners and a record thereof kept in the office of said commissioners.

Application of money received for water rents.

Sinking fund.

Deficiency, how supplied.

Renewal of bonds.

Books, papers, &c., to be turned over.

§ 13. Upon the organization of said board of commissioners, it shall be the duty of the trustees and board of trustees of said village, their officers and employees, to turn over to said commissioners all books, papers, vouchers, money and property belonging to, or appertaining to the business or duties of said commissioners.

Compensation.

§ 14. Such aforesaid commissioners shall be paid such incidental expenses as they may incur in discharge of their duties, which the trustees of said village may deem reasonable and necessary, shall also be allowed them.

Trustees not to levy tax for certain purposes without a vote of the taxable inhabitants.

§ 15. Section two of title five of chapter two hundred and seventy-five, entitled "An act to amend an act incorporating the village of Plattsburgh and the several acts amendatory thereof and to extend the powers of the corporation of said village," shall not be construed to authorize the trustees of the village of Plattsburgh to levy or assess any money by tax upon the real and personal property of said village for any of the purposes mentioned in said section, without first obtaining a vote of the taxable inhabitants of said village, authorizing such tax.

Repeal.

§ 16. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 17. This act shall take effect immediately.

Chap. 189.

AN ACT to provide security against extraordinary conflagrations, and for the creation of safety funds by fire insurance companies.

Passed April 16, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Guarantee and special reserve funds.

SECTION 1. Hereafter it shall be lawful for any fire insurance company, organized under the laws of this State, to create the funds herein provided for, to be known and designated as the guarantee surplus fund and the special reserve fund, and to avail itself of the provisions of this act upon complying with the requirements thereof.

How created.

§ 2. Any fire insurance company desiring to create such funds shall be and it is hereby authorized to do so, upon the adoption of a resolution by its board of directors at a regular meeting thereof, and filing with the Superintendent of the Insurance Department a copy thereof, declaring the desire and intention of such company to create such funds and to do business under the provisions of this act; and as soon after the filing of such copy of the resolution as convenient, the Superintendent shall make, or cause to be made, an examination of such company, and he shall make a certificate of the result thereof, which shall particularly set forth the amount of surplus funds held by such company at the date of such examination, which, under the provisions of this act, are to and may be equally divided between and be set apart to constitute said guaranty surplus and special reserve funds, which certificate shall be recorded in the Insurance Department; and from and after the date of the recording of such certificate, all the policies and renewals of policies issued by such company shall have printed thereon, by such company, a notice that the same are issued under and in pursuance of this act, referring to the same by its chapter, date and title; and such policies

Examination of company by superintendent.

Notice on policies.

and renewals shall be deemed to have been issued and received subject to the provisions of this act.

§ 3. After the date mentioned in any such resolution so passed and filed, it shall not be lawful for such company to make, declare or pay, in any form, any dividend upon its capital stock, exceeding seven per centum per annum thereupon and upon the surplus funds to be formed hereunder, until after its guaranty surplus fund and its special reserve fund shall have together accumulated to an amount equal to its said capital stock, and the entire surplus profits of such company above such annual dividend of seven per cent. shall be equally divided between and be set apart to constitute the said guaranty surplus fund and the said special reserve fund, which said funds shall be held and used as herein-after provided and not otherwise; and any company doing business under this act, which shall declare or pay any dividend contrary to the provisions herein contained, shall be liable to be proceeded against by the Attorney-General for its dissolution.

Divi-
dends.

Surplus
profits to
be set
apart to
consti-
tute fund.

§ 4. Said guaranty surplus fund shall be held and invested by such company the same as its capital stock and surplus accumulations; and shall be liable and applicable in the same manner as the capital stock to the payment generally of the losses of such company.

Guaranty
fund,
how to be
invested.

§ 5. Said special reserve fund shall be invested according to existing laws relating to investments of capital by fire insurance companies, and shall be deposited from time to time, as the same shall accumulate and be invested, with the Superintendent of the Insurance Department, who shall permit the company depositing the same to change such deposits by substituting for those withdrawn others of equal amount and value, and to collect and receive the interests or dividends upon such securities as the same may accrue; and such special reserve fund shall be deemed a fund contributed by the stockholders to protect such company and its policy-holders other than claimants for losses already existing or then incurred, in case of such extraordinary conflagration or conflagrations as hereinafter mentioned; and said fund shall not be regarded as any part or portion of the assets in possession of said company, so as to be or render the same liable for any claim or claims for losses, by fire or otherwise, except as herein provided.

Special
reserve
fund, how
to be in-
vested.

Fund, not
assets.

§ 6. In estimating the profit of any such company, for the purpose of making a division thereof, between such guaranty surplus fund and such special reserve fund, there shall be deducted from the gross assets of the company, including for this purpose the amount of the special reserve fund, the sum of the following items: First, the amount of all outstanding claims; second, an amount sufficient to meet the liability of such company for the unearned premiums upon its unexpired policies, which amount shall be at least equal to one-half of the premiums received on policies having less than one year to run from date of policy, and a pro rata proportion of the premiums received on policies having more than one year to run from date of policy, and shall be known as the reinsurance liability; third, the amount of its guaranty surplus fund and of its special reserve fund; fourth, the amount of the capital of the company; and fifth, interest at the rate of seven per cent. per annum upon the amount of the capital and of the said funds, for whatever time shall have elapsed since the last preceding cash dividend; and the balance shall constitute the net surplus of the company, subject to an equal division between the said funds, as herein provided.

Profit,
how to be
estimated.

Surplus
for divi-
sion.

§ 7. In the event of any extensive conflagration or conflagrations, whereby the claims upon such company shall exceed the amount of the capital stock, and of the guaranty surplus fund provided for by this

When sur-
plus re-
serve fund
shall be

held for
protection
of policy
holders.

Company
discharg-
ed from
liability,
when.

Transfer
of securi-
ties.

Requisi-
tion upon
stock-
holders.

Proviso.

Annual
statement.

Impair-
ment of
capital,
how to be
made up.

act, the said company shall notify the said Superintendent of the fact, who shall then make or cause to be made an examination of said company, and shall issue his certificate of the result, showing the amounts of capital, of guaranty surplus fund, of special reserve fund, of reinsurance liability and of other assets; and upon his issuing such certificate in duplicate, one copy to be given the company and one to be recorded in the Insurance Department, the said special reserve fund shall be immediately held to protect all policy-holders of such company other than such as are claimants upon it at the time, or such as become such claimants in consequence of such conflagration or conflagrations, and the amount of said special reserve fund, and an amount equal to the unearned premiums of such company, to be ascertained as hereinbefore provided, shall constitute the capital and assets of such company for the protection of policy-holders other than such claimants, and for the further conduct of its business; and such official certificate of the Superintendent shall be binding and conclusive upon all parties interested in such company, whether as stockholders, creditors or policy-holders; and upon the payment to the claimants for losses or otherwise, existing at the time of, or caused by, such general conflagration or conflagrations, of the amount to which they are respectively entitled, in proportion to their several claims, of the full sum of the capital of such company and of its guaranty surplus fund, and of its assets, excepting only such special reserve fund and an amount of its assets equal to the liability of the company for unearned premiums, as so certified by such Superintendent, such company shall be forever discharged from any and all further liability to such claimants, and to each of them. And the said Superintendent shall, after issuing his said certificate, upon the demand of such company, transfer to it all such securities as shall have been deposited with him by such company as such special reserve fund; and if the amount of such special reserve fund be less than fifty per cent. of the full amount of the capital of the company, a requisition shall be issued by the said Superintendent upon the stockholders, to make up such capital to that proportion of its full amount, in the manner now provided by law, in the case of companies with impaired capitals; and, provided further, that any capital so impaired shall be made up to at least the sum of two hundred thousand dollars. And in case said company, after such requisition, shall fail to make up its capital to at least said amount of two hundred thousand dollars, as therein directed, said special reserve fund shall still be held as security, and liable for any and all losses occurring upon policies of such company after such conflagration or conflagrations. Such company shall, in its annual statement to the Insurance Department of this State, set forth the amount of such special reserve fund, and of its guaranty surplus fund.

§ 8. If, at any time after such special reserve fund shall have been accumulated by any company, it shall appear, upon examination by the said Superintendent, that the capital of such company has, in the absence of any such extensive conflagration, become impaired so as to cause him to order a call upon the stockholders to make up such impairment, the board of directors of such company may either comply with such order and require the necessary payment by the stockholders, or at their option they may apply for that purpose so much of said special reserve fund as will make such impairment good. No company doing business under this act shall insure any larger amount upon any single risk than is permitted by law to a company possessing the same amount of capital, irrespective of the funds hereby provided for.

§ 9. This act shall take effect immediately.

Chap. 190.

AN ACT to legalize the action of the board of supervisors of Wayne county, designating persons to serve as grand jurors in said county, and for other purposes.

Passed April 16, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The list of grand jurors of the county of Wayne, consisting of three hundred and thirteen names as deposited by the clerk of the board of supervisors of said county in the clerk's office in said county, as the list of grand jurors, shall be and remain the proper list of grand jurors in said county until a new list shall be prepared by the board of supervisors of said county, notwithstanding such list of grand jurors has not been certified by the clerk of such board of supervisors, and notwithstanding the excess in number of names upon such list, and notwithstanding the same was omitted to be adopted by a vote of the board of supervisors, and notwithstanding any error, defect or omission in preparing or making such list or in certifying to the same.

List of grand jurors of Wayne county legalized.

§ 2. This act shall take effect immediately.

Chap. 191.

AN ACT to enable the commissioners of highways of the several towns through which the Mohawk turnpike passes to contract.

Passed April 17, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The commissioners of highways of the town of Glenville, Schenectady county, and the towns of Amsterdam, Mohawk, Palatine and St. Johnsville, in the county of Montgomery, and the towns of Manheim, Little Falls, Herkimer and Schuyler, in the county of Herkimer, and the town of Deerfield, in the county of Oneida, are hereby authorized and empowered to contract with the New York Central and Hudson River Railroad Company, for the keeping in repair the highway known as the Mohawk turnpike, running through the said several towns. All moneys that shall be received by the said commissioners from the said railroad company, under said contract, shall be expended in keeping in repair the said turnpike, and not to be appropriated to any other purpose whatever; giving and granting to the commissioners of each of said towns such power only as shall relate to that portion of said turnpike that shall lie within the boundaries of their respective towns.

Commissioners of highways may contract for repairing highway.

Moneys. how expended.

§ 2. The said commissioners shall faithfully account for all moneys received and disbursed, under any contract entered into with said railroad company, to the auditing board of their respective towns, in the same manner and at the same time as they now are required to account by law.

Account.

- Repeal. § 3. All acts and parts of acts inconsistent with this act are hereby repealed.
- § 4. This act shall take effect immediately.

Chap. 192.

AN ACT to amend the act entitled "An act in relation to the fees of the sheriff of the city and county of New York, and to the fees of referees in sales in partition cases," passed May fourth, eighteen hundred and sixty-nine.

Passed April 17, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of the act entitled "An act in relation to the fees of the sheriff of the city and county of New York, and to the fees of referees in sales in partition cases," passed May fourth, eighteen hundred and sixty-nine, is hereby amended so as to read as follows :

Judicial
sales of
real es-
tate.

Fees.

§ 1. Sales of real estate hereafter made in the city and county of New York, under the decree or judgment of any court, may be made by the sheriff of said city and county, or by a referee appointed for that purpose, by such judgment or decree ; but when any sale is made by any officer other than the sheriff, no greater sum shall be charged or allowed as fees than as prescribed in section two of this act.

Repeal.

§ 2. Section three of said act is hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 193.

AN ACT to amend an act entitled "An act to revise and consolidate the laws in relation to the village of Ithaca in the county of Tompkins," passed April twenty-first, eighteen hundred and sixty-four.

Passed April 17, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section three of title six of the act to revise and consolidate the laws in relation to the village of Ithaca, in the county of Tompkins, passed April twenty-first, eighteen hundred and sixty-four, is hereby amended so as to read as follows :

Trustees
may lay
out and
open
streets,
&c.

Railroads,
powers of
trustees as
to.

Consent
of proper-
ty owners.

§ 3. The board of trustees shall have power to lay out, make and open streets, alleys, lanes and highways and public grounds, and may lay the same through any lands, building, garden, orchard or inclosure in said village. The said board of trustees shall also have power to permit the construction in any of the streets or avenues of said village, of railroads for the transportation of passengers to be operated by horse power, upon such terms and conditions as said board may deem expedient ; but no such permit shall be granted without the consent thereto, of a majority in interest of the owners of the property upon the streets in which said road is to be constructed, said interest to be

ascertained by the assessed value of the real estate situate upon such streets or avenues, according to the last assessment roll of said village.

§ 2. This act shall take effect immediately.

Chap. 194.

AN ACT to prevent extortion by gas companies in the counties of New York and Kings.

Passed April 17, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall not be lawful for any corporation engaged in the manufacture or sale of gas in the counties of New York or Kings to charge a greater sum per thousand feet for gas supplied to one consumer or class of consumers than other consumers, but the rate shall be uniform to all consumers, provided, nevertheless, that nothing in this act contained shall prevent any company from charging city or village municipalities a less sum than may be charged to private consumers or from making a special rate for any building, used for charitable, public or recreative purposes, nor from charging a reduced rate to those consuming large quantities, provided in all cases that the charge per thousand feet to those consuming equal quantities shall be the same. If any corporation shall violate the provisions of this act, such corporation shall be liable to pay a penalty of fifty dollars for each thousand feet so overcharged, to be recovered in an action by the person or persons against whom such overcharge is made.

Price of gas to be uniform.

Proviso.

Penalty for violation.

§ 2. This act shall take effect immediately.

Chap. 195.

AN ACT for the relief of Amariah Holbrook.

Passed April 17, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Canal Board are hereby authorized and directed to hear and determine the facts in the case of the abandonment, by the Canal Commissioners, about June twenty-fourth, eighteen hundred and seventy-three, of the contract of Amariah Holbrook, made with said Commissioners, for rebuilding locks one and two of the Champlain canal, at Cohoes, and for eighteen chains of canal enlargement above and below said locks ; and if, upon such hearing and investigation, the said Canal Board shall adjudge and determine that said abandonment was inequitable, and unjustifiable or made at a time when said Holbrook, as such contractor, was diligently engaged in prosecuting the work under said contract, and had abundant stone and other material on hand, and in transit to said work, and had the ability to finish the same in time for the opening of navigation in the spring of eighteen hundred and seventy-four, then the said Canal Board shall award to the said Amariah Holbrook the amount of the deposit or security left in the hands of the State, as security for the due performance of said contract, as

Canal board to determine facts.

Decision.

Award.

required by law, together with the interest received by the State thereon; also the monthly reserve of fifteen per cent. retained by the State on said contract, and such Canal Board shall also settle with, adjudge and award to said Holbrook any and all sums equitably and justly due him for work actually done under his said contract.

§ 2. This act shall take effect immediately.

Chap. 196.

AN ACT to incorporate the Orinoco Navigation Company.

Passed April 17, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. Alonzo B. Cornell, G. Hilton Scribner, William A. Pile, Hiram A. Johnson, Matthew B. Wynkoop, Jacob R. Decatur, Charles Scandella, and William H. Gallie, and their associates and assigns, are hereby created and declared to be a body politic and corporate, by the name of the "Orinoco Navigation Company," with full power and authority to purchase, construct and operate steamships, steamboats and other vessels, propelled wholly or in part by steam or sail, for the carriage of freight and passengers from the port of New York to such ports on the coast of the Republic of Venezuela, South America, and calling at such intermediate ports as the company may elect, and from such coast of Venezuela, via Port of Spain, Island of Trinidad, up to and upon the waters of the Orinoco river, and its tributaries, and other inland waters and South American ports.

Corporate name. Powers.

Capital stock.

§ 2. The capital stock of said company shall be six hundred thousand dollars, and shall be divided into six thousand shares of one hundred dollars each, and books of subscription to such capital stock, or such portion thereof as from time to time may, by its directors for the time being, be deemed necessary and proper, may be opened, subject to such rules, limitations and conditions as they may prescribe.

Increase of capital stock.

§ 3. The company shall have power to increase the capital stock to an amount not exceeding ten million of dollars, as the objects of the company may demand, and a majority of the stockholders may authorize.

Bonds.

Not to issue bonds until fifty per cent of stock is paid in.

The said company shall also, with like consent of the stockholders, have authority to execute bonds, for an amount not exceeding its existing capital stock, and to negotiate and sell the same, but said company shall not commence business under this act nor issue the bonds mentioned in this section until the whole capital stock is subscribed and fifty per cent. thereof paid in, in cash.

By-laws, &c.

§ 4. The company shall have power and authority to make all needful rules, regulations and by-laws for the government of said corporation and the conduct of its business, and to alter and amend the same as may be deemed expedient; provided, the said rules, regulations or by-laws shall not be inconsistent with the Constitution or laws of the United States, or of the State of New York.

Board of directors.

§ 5. The government of such corporation, and the management of its affairs and property, shall be vested in a board of directors, to consist of not less than seven nor more than fifteen bona fide shareholders of said corporation, who shall hold their office for one year, and until their successors are elected and qualified, to be elected at such times and

places, and in such manner as by the by-laws of said corporation shall be appointed and provided.

§ 6. Alonzo B. Cornell, G. Hilton Scribner, William A. Pile, Hiram A. Johnson, Matthew B. Wynkoop, Jacob R. Decatur, Charles Scandella and William H. Gallie, or such of them as shall have become bona fide stockholders, shall be the first directors of said company, and shall hold their office until the expiration of one year after the said company shall be organized and in regular operation, and until their successors are elected and qualified. They shall choose their president and two vice-presidents out of their number, and appoint a treasurer, secretary, general manager and all other officers and employees, and remove the same at pleasure.

First directors.

Term of office.

President, &c.

§ 7. The said company shall have power to purchase, hold and convey such real estate as shall be deemed by it necessary for the prosecution of the business of the company, under the provisions of this act, and to erect and maintain thereon all necessary buildings, docks, wharves and fixtures for the aforesaid purposes, as may be incident or necessary thereto.

May purchase real estate.

§ 8. The stockholders of this corporation shall be liable for the debts of the company, to an amount equal to the stock respectively owned by them, until such stock shall be fully paid up, in cash, or in property at its cash value necessary for the business of the company.

Liability of stockholders.

§ 9. The principal office of said company shall be in the city of New York, where all meetings of stockholders, directors and bondholders shall be held.

Business office.

§ 10. This act shall take effect immediately.

Chap. 197.

AN ACT in relation to the management of the bridge crossing the Mohawk river, between the city of Schenectady and town of Glenville, in the county of Schenectady.

Passed April 18, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The bridge commonly known as the Mohawk bridge, across the Mohawk river between the city of Schenectady and town of Glenville, and now belonging to said town of Glenville, shall be under the management and direction of the town board of said town, who shall be in place and stead of trustees or directors of said bridge, or of the company known as "the President, Directors and Company of the Mohawk Bridge Company."

Bridge, town board to have the control of.

§ 2. The town board of said town of Glenville are hereby authorized and empowered to repair the said bridge, or, if they shall deem necessary, to rebuild the said bridge, and the cost and expense of such repairs and rebuilding shall be a charge upon said town of Glenville, and all moneys that shall be received for tolls shall be used and expended in the repair or for the necessary expenses appertaining to said bridge.

Town board may repair or rebuild.

§ 3. The town board shall place the amount of the expense of the repairs of said bridge in their annual town audit and present the same to the board of supervisors of the county of Schenectady at their annual session. And the said board of supervisors are hereby authorized and required to levy a tax upon the real and personal property of said town of Glenville, sufficient to pay the amount of such expenses.

Expense of repairs, how to be paid.

Bonds
may be
issued to
rebuild
said
bridge.

§ 4. Whenever the said town board shall deem it necessary to rebuild the said bridge, they, the said town board, are hereby authorized to issue the bonds of the said town of Glenville in an amount not to exceed the sum of twenty-five thousand dollars, or so much of that sum as shall be necessary to rebuild said bridge, which said bonds shall bear interest at the rate of seven per cent. per annum. The said bonds shall not be issued for a longer term than ten years, and shall not be sold or disposed of for a less sum than par.

Bridge to
be free.

§ 5. The said bridge shall be free for the use of the citizens of the town of Glenville, and said bridge shall not be liable to taxation for any purpose whatsoever, except State and county taxes.

Super-
visor to
receive
tolls, &c.

§ 6. The supervisor shall receive all tolls that shall be collected on said bridge, and also all moneys that shall be raised or collected for the repairs of said bridge, or in rebuilding thereof, and for the security therefor, and the faithful expending of such moneys, and accounting for the same to the said town board when required. The said supervisor shall execute a bond to the town clerk of said town, in such amount as shall be fixed by the said town board, which said bond is to be approved as to its sufficiency and form by said board.

Board of
super-
visors to
levy tax.

§ 7. The board of supervisors of the county of Schenectady, whenever required by the town board of said town of Glenville, shall levy and assess on the real and personal property of said town such sum or sums as shall be sufficient to pay the amount of any of the bonds issued under the provisions of this act that may be falling due, and for the interest accrued on the said bonds.

Repeal.

§ 8. All acts and parts of acts or laws inconsistent with this act are hereby repealed.

§ 9. This act shall take effect immediately.

Chap. 198.

AN ACT to prevent enroachments and obstructions to the navigation of the water-front of the city of Yonkers, and to authorize their removal and sale.

Passed April 18, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Obstruc-
tion to na-
vigation
forbidden.

SECTION 1. It shall not be lawful to obstruct or interrupt the navigation of the waters of the city of Yonkers, upon the Hudson river, by any incumbrance whatever; and in case of any such obstruction or interruption by reason of any sunken vessel or other thing, the common council shall notify the owner or owners of such vessel or thing, if such owner or owners are within the city of Yonkers, and are known to them, to remove the same within three days after such notice, and in case such owner or owners are not known to the common council, or are not within the city of Yonkers, or fail to comply with such notice, the said common council shall cause the said obstruction to be removed, if, in its judgment, such obstruction shall interrupt or interfere with the approach of vessels or boats to the wharves, piers or docks of said city.

Notice to
remove.

Common
council
may re-
move.

Expenses
of remov-
al.

§ 2. The expenses incurred by the removal of such obstruction by the common council, in case of the failure of the owner or owners to remove the same within the time herein prescribed, shall be audited by the common council, and the amount of expenses so audited shall be a lien upon such property so to be removed, and the common council of said

city shall, by resolution to be signed by the mayor of said city, direct the sheriff of Westchester county to sell such property, and apply the proceeds to the payment of the expenses incurred in removing such obstruction. Said sheriff shall be entitled for his services herein to the same fees as upon the sale of property on execution.

§ 3. Before selling said property the said sheriff shall publish a notice, in the city official papers, for two successive weeks, of his intention to sell said property at auction upon a day to be therein named, and that if the owner or owners, or other parties interested in said property, shall not pay into the city treasury the expenses as audited, together with the expenses incident to the conducting of the proceedings and advertising, that then the said sheriff will sell said property at auction, and apply the proceeds to the payment of said expenses.

Notice of sale by sheriff.

§ 4. In case the money derived from the sale of such property shall be insufficient to meet such expense, then the common council may recover, by an action in any court of competent jurisdiction, in the name of the city of Yonkers, against the owners of such property, the difference between the total amount of such expenses, including the expenses of sale, and the amount realized from the proceeds of sale. In case the amount realized from the sale of such property should exceed the expenses, then such surplus moneys shall be paid, by said sheriff, into the city court of said city of Yonkers, to the credit of said proceeding, subject to the further order of said court. Said sheriff is hereby required to make return of his proceedings herein, and file the same with the clerk of said court.

Common council may recover deficiency.

Surplus.

Sheriff's return.

§ 5. This act shall take effect immediately.

Chap. 199.

AN ACT to amend and supplementary to chapter one hundred and ninety-nine of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the village of Whitestone, in Queens county."

Passed April 18, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The first clause of section three of title two of chapter one hundred and ninety-nine of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the village of Whitestone, in Queens county," is hereby amended so as to read as follows: "The annual election shall be held on the first Monday of December in each year, from the hour of one o'clock in the afternoon until seven and one-half o'clock P. M., during all which time the poll shall be open."

Time of holding annual election.

§ 2. It shall be lawful for the trustees of the village of Whitestone to alter the established grade of Eleventh avenue in said village of Whitestone, between the Whitestone and Westchester railroad and the bulkhead line and the parts of the streets connected with that part of said avenue immediately adjacent thereto. The said trustees shall cause a survey to be made, exhibiting the grade of said avenue as altered, and the grade of the streets so altered connected with said avenue, and make two maps or profiles thereof, one to be filed in the office of the clerk of the county of Queens, and the other in the office of the

Trustees may alter grade of avenue.

Survey.

Maps

Maps,
how to be
authenti-
cated.

clerk of the village of Whitestone. The said trustees shall, by a certificate signed and acknowledged by and before an officer authorized to take the acknowledgment of deeds, authenticate said maps or profiles, and upon the filing of the same, as aforesaid, it is hereby declared that the said Eleventh avenue, between the Whitestone and Westchester railroad and the bulkhead line, and the streets connected with that part of said avenue shall, as exhibited on said maps or profiles, form and be the permanent plan or grade for the grading of said avenue and the streets connected therewith, any provision in said act to the contrary thereof notwithstanding.

§ 3. This act shall take effect immediately.

Chap. 200.

AN ACT to authorize the appraisal and sale of leased fine salt lots, on the Onondaga salt springs reservation, by the Commissioners of the Land Office.

Passed April 18, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commis-
sioners of
land office
may sell
salt lots.

Proceed-
ings.

SECTION 1. If at any time hereafter the Commissioners of the Land Office shall, in their judgment, determine that it would be for the best interests of the State to sell and convey in fee any of the fine salt lots laid out and set apart for the manufacture of fine salt on the Onondaga salt springs reservation, then, in case the superintendent of the Onondaga salt springs shall officially certify that such lot or lots are not necessary for the manufacture of salt, and may be sold and disposed of without injury to the interests of the State, and the lessee, lessees, or their legal representatives, shall request said lot or lots to be appraised and sold, and shall release absolutely all right to have, demand or receive of and from the State any moneys, by way of damages, either on account of the termination of the leases by which said lot or lots are held, or on account of the destruction or removal of any salt blocks, their appurtenances, or any other property or buildings therefrom, or any part or portion of the appraisement, value or bid as hereinafter provided, the said commissioners may, in their discretion, cause the said lot or lots to be appraised and sold, and the fee thereof to be absolutely conveyed to the purchaser or purchasers of the same.

Lessees,
privilege
of, to pur-
chase.

§ 2. Upon the appraisement of the value of any lot or lots mentioned in the preceding section, being returned to and approved by the Commissioners of the Land Office, the lessee or lessees of said lot or lots, or their legal representatives, shall have the right and privilege, for thirty days after the date of such approval, to become the purchasers of such lot or lots at the appraised value thereof upon the usual terms as to times of payment of principal and interest; but in case the power or right of purchase at such appraisal shall not be exercised within the time limited, the right so to do shall cease, and the said lot or lots shall be advertised and sold under the direction and control of the said commissioners to the highest bidder; but no such lot or lots shall be sold unless the amount bid to be paid therefor shall be at least equal to the appraised value thereof as approved by the said commissioners, and in case such owner or owners or their legal representatives do not decide to take such lands at such appraisal, and no sufficient bid is

Not to be
sold at less
than ap-
praised
value.

made therefor the title thereof shall vest and be in the State of New York, released and discharged from the terms and conditions of any such lease, and such lessee shall remove the buildings within the time and as provided in section four of this act.

§ 3. So much of articles two and three of title five of chapter nine of part one of the Revised Statutes which title is entitled "Of the public lands and the superintendence and disposition thereof," as is applicable to the lands in this act described (reference being had to the manner of appraisement, advertisement for sale, and sale and payment of the purchase-money, and the execution and delivery of the grants therefor), is hereby made a part of this act.

Certain provisions of Revised Statutes applicable.

§ 4. Upon the sale of any of the lots in this act provided for, if the lessee, lessees, or their legal representatives, shall not be the purchaser or purchasers of said lot or lots, then and in such case they, or either of them, shall remove or cause to be removed, within thirty days after such sale or sales, all buildings or other property belonging to them, or either of them, off from such lot or lots; and in case of failure so to remove such buildings or property within the time herein specified, the same shall be considered as given up and abandoned, and shall become and be the property of the person or persons so purchasing said lot or lots, aforesaid.

Lessees to remove buildings, &c.

§ 5. All moneys arising from the sale of any lot or lots, by virtue of the provisions of this act, shall be placed by the Comptroller in the State treasury for the use and benefit of the general fund; but the Commissioners of the Land Office shall purchase other lands, as required by the provisions of section seven of article seven of the Constitution, provided, that by the sale of any lot or lots under this act it shall be necessary so to do, in order not to decrease the aggregate of the lands set apart for the manufacture of salt at the time of the adoption of the Constitution.

Other lands to be purchased if necessary.

§ 6. This act shall take effect immediately.

Chap. 201.

AN ACT to amend chapter one hundred and thirty-three of the laws of eighteen hundred and forty-seven, entitled "An act authorizing the incorporation of rural cemetery associations," passed April twenty-seventh, eighteen hundred and forty-seven, so far as it applies to or affects "The United German and French Roman Catholic Cemetery Association of the city of Buffalo."

Passed April 18, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of chapter one hundred and thirty-three of the laws of eighteen hundred and forty-seven, entitled "An act authorizing the incorporation of rural cemetery associations," passed April twenty-seventh, eighteen hundred and forty-seven, so far as it applies to or affects "The United German and French Roman Catholic Cemetery Association of the city of Buffalo," is hereby amended so as to read as follows:

Annual election of trustees, when to be held.

Term of office.

Qualifications of voters.

Vacancies, how filled.

Notice.

§ 5. The annual election for trustees to supply the place of those whose term of office expires shall be holden on the day mentioned in the certificate of incorporation, and at such hour and place as the trustees shall direct, at which election shall be chosen such number of trustees as will supply the places of those whose term expires. The trustees chosen at any election subsequent to the first shall hold their places for three years, and until others shall be chosen to succeed them. The election shall be by ballot, and every person of full age, who shall be proprietor of a lot or plot in the cemetery of the association, containing not less than two hundred square feet of land, or, if there be more than one proprietor of any such lot or plot, then such one of the proprietors as the majority of joint proprietors shall designate to represent such lot or plot may, in person, give one vote for each plot or lot of the dimensions aforesaid; and the persons receiving the majority of all the votes given at such election shall be trustees to succeed those whose term of office expires; but in all elections after the first, the trustees shall be chosen from among the proprietors of the lots or plots; and the trustees shall have power to fill any vacancy in their number, and the person so appointed shall hold office until the expiration of the term of the person in whose place he was appointed. Public notice of the annual election shall be given in such manner as the by-laws of the corporation shall prescribe.

§ 2. This act shall take effect immediately.

Chap. 202.

AN ACT to amend an act entitled "An act to incorporate the city of Binghamton," passed April ninth, eighteen hundred and sixty-seven, and the several acts amending the same.

Passed April 18, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twelve of title eight of the act entitled "An act to incorporate the city of Binghamton," passed April ninth, eighteen hundred and sixty-seven, and the several acts amending the same, is hereby amended so as to read as follows:

Resolution of common council.

Powers of common council.

Survey and estimate to be made.

Notice to be given.

§ 12. Whenever the common council shall, by resolution, declare their intention to construct a sewer, they shall specify in such resolution the size and the two points between which the same is intended to be made, and for the purpose of sewerage or draining any street or streets in said city, whether said street or streets have been dedicated to the city, or accepted or not by the common council, they shall have power to cause the same to be sewerage, and the said council is empowered and authorized, when necessary for the purpose of sewerage or draining any street or streets, to construct a sewer upon and through the land of any owner in said city, and for that purpose the common council and those acting by their directions shall have power to enter upon any grounds in said city. A survey of the same shall then be made and an estimate of the amount of each kind of material, and also the amount of each kind of excavation, the damages to land, together with the total cost of the same, and filed with the clerk, who shall forthwith give notice in the official paper of the intention to construct such sewer, and of the

size, length and estimated cost of the same. The first publication of such notice shall be at least ten days before the work shall be ordered. Any person interested, aggrieved or liable to taxation for the same may, at any time after the first publication, present, in writing, objections to the council against the construction of such sewer. The common council shall hear all objections so presented with the evidence which may be offered, and if, after such hearing, or if, no objections being presented, they shall order the construction of such sewer, the clerk shall advertise for proposals for the construction of the same as herein provided. Upon the acceptance of any proposal the expenses of such sewer, assessing and survey, and engineering shall be assessed, collected and paid in the same manner as the expenses of opening streets, except that the city assessors shall make such assessments instead of commissioners. And when, in the opinion of the said council, it shall become necessary, in order to abate a nuisance, or the public interest require it, said council may make a sewer or sewers through the lands of any person or persons, corporation or company, upon the assessment and payment of damages as hereinafter provided. Whenever the common council shall order a public sewer to be made through the lands of any person, corporation or company, such proceedings shall be had to appoint three commissioners to ascertain and assess the damages and benefits of the parties interested, as is provided by sections three, four, five, six, seven, eight, nine and ten of title eight of said city charter, and said sections are hereby declared to apply to proceedings under this title.

Objections.

Proposals for construction. Expenses.

Commissioners, how to be appointed.

§ 2. This act shall take effect immediately.

Chap. 203.

AN ACT to amend an act entitled "An act to incorporate the city of Binghamton," passed April ninth, eighteen hundred and sixty-seven, and the several acts amending the same.

Passed April 18, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section two of title four of the act entitled "An act to incorporate the city of Binghamton," passed April ninth, eighteen hundred and sixty-seven, and the several acts amending the same, is hereby further amended so as to read as follows :

§ 2. The common council shall meet annually on the first Tuesday after the annual election, at seven o'clock P. M., at the council room for the time being, and at such other times as they by resolution shall designate. Special meetings may be called by the mayor or any three aldermen, by notice in writing, served personally upon the several members of the council or left at their places of abode or business. At such first annual meeting they shall choose a president from their own body, who shall preside at all the meetings of the common council. In his absence a president for the time being shall be chosen. They may also, at such first or any subsequent meeting, appoint, by ballot, one city clerk, one recorder, one treasurer, who shall also be the tax receiver for said city, one superintendent of streets and city property, one chief of police, and not to exceed eight policemen, one fire marshal,

Annual and special meetings of common council.

City officers to be appointed by common council.

When
mayor
may ap-
point.

one or more pound-keepers, one sealer of weights and measures, one sexton, one or more wood measurers and one or more hay weighers. But if the common council fail to appoint a clerk, recorder, treasurer, superintendent of streets, chief of police or fire marshal within three weeks from said first meeting, or if they fail to fill any vacancy which may occur in any elective or appointed office which they are authorized to fill by provisions of this act, within three weeks after such vacancy shall occur, it shall become the duty of the mayor, immediately upon the expiration of such three weeks, to appoint to such office or to fill such vacancy, which he shall do in writing, under his hand and seal, and file with the city clerk, who shall thereupon proceed to notify the person or persons so appointed, the same as if such appointment had been made by the common council.

§ 2. Section one of title seven and the several acts amending said section of said act is hereby further amended so as to read as follows:

What
sums of
money
be raised
annually.

§ 1. The common council shall have power to cause to be raised, once in each year, a sum not exceeding six thousand dollars to defray the ordinary and contingent expenses of the city; a further sum not exceeding eight thousand and three hundred dollars to defray the ordinary expenses of the police department; a further sum of not exceeding one thousand dollars to defray the expenses of the fire department; and a further sum, not exceeding fifty cents for every one hundred dollars of the assessed valuation of the taxable property in said city, to be determined from the last assessment roll of said city, to defray the expenses of providing lamps and lighting the city, and of making, grading, repairing and improving highways, streets, lanes, alleys, bridges, public grounds, sidewalks, crosswalks and gutters in said city; and in addition thereto, a further sum sufficient to pay all installments of principal and interest on the public debt of the city of Binghamton. But nothing in this section shall prohibit the raising of any further sum in any one year for local improvements, when the same shall be assessed and rated locally or according to the benefits deemed to be received. All sums to be raised by a general tax in pursuance of this act, shall, except as herein otherwise provided, be assessed and rated upon or among the owners of real and personal estate, incorporated companies and associations named in the revised assessment roll, in proportion to the valuation therein stated, in the same manner and proportion, as near as may be, as taxes in and for the county of Broome are rated and assessed.

Local
improve-
ments.

Tax, how
to be as-
sessed.

Chap. 204.

AN ACT to provide for the erection of a school-house in school district number three of the town of Flatlands, in the county of Kings.

Passed April 18, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Trustees
may bor-
row mo-
ney and
erect
school
houses.

SECTION 1. The trustees of school district number three of the town of Flatlands, in the county of Kings, shall have the power and are hereby authorized, pursuant to the vote of the taxable inhabitants of said district, passed at their annual meeting held on the second Tuesday in October, one thousand eight hundred and seventy-three, to borrow a sum of money not exceeding eight thousand dollars, and to expend the

same in erecting a school-house upon the site now owned by said district, or upon such other site as may be purchased by them under the provisions of this act.

§ 2. The said trustees, in their official capacity, are hereby authorized and empowered to issue bonds in such sums and denominations as they may deem proper and necessary to such person or persons, body or bodies corporate, as shall loan the said sum of money, or any part thereof, for the purpose of securing the repayment of such sums, or such or any part thereof as may be borrowed as aforesaid, together with the interest that may become due thereon, not to exceed seven per cent. per annum.

May issue bonds.

§ 3. The said trustees, and their successors in office, for the purpose of paying said bonds and the interest that may become due thereon, are authorized, empowered and directed to raise by tax upon the taxable property of said school district such principal and interest as follows, namely: They shall annually for ten years hereafter, in addition to such sum as they may be entitled to raise, levy and collect under the statutes of the State of New York relating to common schools, and in the same manner and at the same time as are now provided by said statutes, levy, raise and collect a sum sufficient to pay the interest of said bonds, and thereafter in addition to said sums they shall annually until the whole of said debt, principal and interest, is fully paid and satisfied, in the same manner and at the same time as aforesaid, raise, levy and collect the interest on said bonds, and one thousand dollars of principal, and all moneys collected and paid as aforesaid shall be paid into the hands of the treasurer of the county of Kings to enable him to pay the interest on and satisfy said bonds, and said bonds shall be made in such manner as that no greater sum than one thousand dollars of principal shall become due thereon in any one year, and no bonds issued in pursuance of this act shall become due previous to the first day of January, one thousand eight hundred and eighty, and the interest on said bonds shall be made payable semi-annually.

Annual tax for payment of bonds.

Moneys to be paid to county treasurer.

§ 4. This act shall take effect immediately.

Chap. 205.

AN ACT to authorize the village of Dunkirk to purchase certain real estate in said village known as the "Armory," for a city hall, and to issue the bonds of said village in payment thereof, and for other purposes.

Passed April 18, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of trustees of the village of Dunkirk is hereby authorized to purchase for the benefit of said village, the property known as the "armory property," situate on the corner of Central avenue and Fourth street in said village, being one hundred and twenty feet on Central avenue and one hundred and sixty feet on Fourth street, and to alter and repair the same for the purpose of a city hall and other village purposes.

Board of trustees may purchase "armory property." Purposes.

§ 2. The board of trustees of the village of Dunkirk is hereby authorized and required to issue the bonds of said village, under the corporate seal thereof, and signed by the president and clerk of said

Trustees to issue bonds.

Bonds,
when
payable.

village, in the sum of six thousand five hundred dollars, for the purpose of paying for said property and making all needful repairs upon the same, and the said bonds shall be made payable as follows: Five hundred dollars thereof in one year; one thousand dollars thereof in two years; one thousand dollars thereof in three years; one thousand dollars thereof in four years; one thousand dollars thereof in five years; one thousand dollars thereof in six years; and one thousand dollars thereof in seven years, from the date thereof respectively, with interest, at the rate of seven per cent. annually.

Not to be
negotia-
ted at less
than par.

§ 3. The said board of trustees shall negotiate the said bonds of said village, at a sum not less than par, and the proceeds thereof shall be applied in payment of the property hereby authorized to be purchased and for making the repairs hereby authorized to be made.

Payment,
out of
what fund
to be
made.

§ 4. The said board of trustees is hereby authorized and required to pay the interest on said bonds from time to time, as the same shall become due, and pay the principal sums secured thereby when the same shall become due and payable out of the general fund now authorized by law, to be raised from year to year for village purposes.

Commis-
sioners of
land office.

§ 5. The commissioners of the land office, are hereby authorized and empowered to accept such bonds at par for the balance due the State upon the sale of said property.

§ 6. This act shall take effect immediately.

Chap. 206.

AN ACT to incorporate the Seneca County Savings Bank of Waterloo, Seneca county, New York.

Passed April 18, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Corpora-
tions.

SECTION 1. Sterling G. Hadley, Samuel R. Welles, George Cook, William Hogan, John G. King, William B. Mickley, John B. Chapin, John I. Covert, William H. Burton, Robert L. Stevenson, Claudius C. Covert, Richard P. Kendig, Pearley P. Howe, Orin Southwick, Jacob Selmsner, William M. Hunt, Thomas Fatzinger, Alonzo H. Terwilliger, John Becker, Robert R. Steele, Myndert D. Mercer, and their successors, shall be and they are hereby constituted a body corporate and politic by the name of "Seneca County Savings Bank," to be located in the village of Waterloo, Seneca county, and by that name shall have perpetual succession, and may sue and be sued in any of the courts of this State.

Corporate
name and
business
location.

First trust-
tees.

§ 2. The persons named in the first section of this act shall be the first trustees of the said corporation, and all the vacancies in the office of trustees of the said corporation and all vacancies in the office of trustees shall be filled by the board, by ballot, without unnecessary delay, and the vote of a majority of the remaining members of the board shall be necessary to elect a trustee.

Vacancies,
how
filled.

Trustees
to manage
business.
Officers.

§ 3. The business of the said corporation shall be managed and directed by said board of trustees, who shall elect from their number a president and two vice-presidents, and may elect from their number, or otherwise, such other officers as they may deem expedient; and the vote of a majority of a full board of trustees shall be requisite for the appointment of any officer receiving a salary therefrom, or to fix or increase the salary of any officer; but such majority shall be composed exclusive of

Salary.

any trustees receiving any salary or compensation for services as officers of said corporation.

§ 4. No trustee shall, directly or indirectly, receive any pay or emolument for his services, and no trustee, officer or servant of said corporation shall, directly or indirectly, for himself or as the agent or partner of others, borrow any of the funds of the said corporation, or its deposits, or in any manner use the same, or any part thereof, except to make necessary current payments, or to make investments, or to deposit for safety, under the direction and by authority of the board of trustees; nor shall any trustee, officer or servant of said corporation be an indorser or surety, or in any manner be an obligor, for moneys loaned by or borrowed of the said corporation.

Trustees to receive no pay.

Trustee, officer, or servant, not to be surety.

§ 5. A quorum of said board of trustees shall consist of not less than five, of whom the president or one of the vice-presidents shall be one; and it shall be lawful for the trustees, in their by-laws, to provide for a larger quorum; but less than a quorum shall have power to adjourn from time to time, or until the next regular meeting.

Quorum.

§ 6. A regular meeting of the board of trustees shall be held once in each month, to receive the reports of their officers, and to transact such other business as may be necessary; and the trustees may, in their by-laws, provide for calling special meetings; and any trustee omitting to attend the regular meetings of the board for six months, unless previously excused by a vote of the board, shall thereby vacate his office as trustee, but may, in the discretion of the board, be eligible to a re-election.

Monthly meetings.

§ 7. The board of trustees of said corporation shall have power, from time to time, to make such by-laws, rules and regulations as they may think proper for the election of officers, for prescribing their respective powers and duties, and the manner of discharging the same, for the appointment and duties of committees, and generally for transacting, managing and directing the affairs of the corporation; provided, such by-laws, rules and regulations are not repugnant to nor inconsistent with the provisions of this act, the Constitution and laws of this State or of the United States.

By-laws.

Proviso.

§ 8. The business and object of the corporation hereby created shall be to receive on deposit any sum or sums of money that may be offered for that purpose, by any person or persons, or by any religious or charitable corporations or societies, not to exceed five thousand dollars for such individual or association, and to invest the same, and declare, credit and pay dividends or interest thereon, as hereinafter authorized, and not otherwise; and all certificates or other evidences of deposit, made by the proper officer of said corporation, shall be as effectual to bind the corporation as if executed under the common seal thereof.

Objects.

Certificates of deposit, how binding.

§ 9. It shall be lawful for the trustees of the corporation to invest the moneys deposited with them, and the gains or profits thereof, only as follows, to wit:

Investments, how to be made.

1. In the stocks or bonds, or interest-bearing notes or certificates of the United States.

2. In the stocks or bonds, or evidences of debt bearing interest of this State.

3. In the stocks or bonds of any city or county of this State, issued pursuant to the authority of any law of this State, but not exceeding ten per cent. of the assets of the corporation shall consist of city or county bonds.

4. In bonds secured by mortgages on improved, unincumbered and

productive real estate, situate in this State, worth at least twice the amount loaned thereon; but not to exceed forty per cent. of the assets of the corporation shall consist of such bonds and mortgages.

§ 5. It shall be lawful for the corporation to purchase, hold and convey real estate only as follows:

1. A lot and baking-house requisite for the transaction of its business, and for an income from such portions of the same as are not required for its own use.

2. Such as shall have been purchased at sales upon statute or other foreclosures owned by the corporation, or judgments or decrees obtained or rendered for money loaned; and all such real estate as is described in the last two preceding clauses shall be sold by the trustees within five years after the same shall be vested in the corporation, unless, upon application by the trustees, the Superintendent of the Banking Department shall extend the time within which such sale shall be made.

§ 10. In all cases of loans upon real estate a sufficient bond, or other personal security, shall be required of the borrower, and all the expenses of searches, examinations and certificates of title or appraisals of value, and of drawing, perfecting and recording papers, shall be paid by such borrower.

§ 11. Whenever buildings are included in the valuation of any real estate upon which a loan shall be made by said corporation they shall be insured by the mortgagor for at least two-thirds their value, in such company of this State as the trustees shall direct, and the policy of insurance shall be duly assigned to the corporation; and it shall be lawful for said corporation to renew such policy of insurance in the same or in any other company of this State, as they may elect, from year to year, or for a longer or shorter term, in case the mortgagor shall neglect to do so, and may charge the same to him. And all the necessary charges and expenses paid by said corporation for such renewal or renewals shall be paid by such mortgagor to the said corporation, and shall be a lien upon the property so mortgaged until paid.

§ 12. It shall be unlawful for the said corporation, directly or indirectly, to deal or trade in real estate in any other case, or for any other purpose, than as authorized in the ninth section of this act, or to deal or trade in any goods, wares, merchandise or commodities whatever, except as authorized by the provisions of this act, and except such personal property as may be necessary in the transaction of its business.

§ 13. It shall be lawful for the trustees of the corporation, while awaiting opportunity for the judicious investment of the moneys deposited with them, as authorized and required by this act, to loan the same, or any part thereof, upon the securities mentioned in section nine of this act, subject to limitations mentioned in said section, but not exceeding ninety per cent. of the cash market value of such securities shall be loaned thereon; and should any securities depreciate in value after making a loan thereon, it shall be the duty of the trustees to require the immediate payment of such loan, or a part thereof, or additional security therefor, so that the amount loaned shall at no time exceed ninety per cent. of the market value of the securities pledged therefor.

§ 14. It shall be the duty of the trustees of said corporation, as soon as practicable, to invest the moneys deposited with them, and the gains or profits thereof, in the securities named in the ninth section of this act, except an available fund of not exceeding twenty per cent. of the deposits with said corporation, which the trustees may keep to meet current payments, and which may by them be kept on deposit in any bank or banking association, organized under any law or laws of this

Real estate, objects for which corporation may purchase, hold and convey.

Personal security, when to be required.

Insurance by mortgagor.

Corporation may renew the same.

Expenses of renewal.

Corporation not to engage in trade.

Moneys may be loaned.

When, immediate payment or additional security required.

Moneys deposited and gains thereof, when to be invested.

State or of the United States, or with any trust company incorporated by any law of this State, upon such terms as may be agreed upon; but the sum so kept on deposit in any one bank or trust company shall not exceed twenty per cent. of the capital of such bank or trust company, and shall not exceed twenty-five thousand dollars, or ten per cent. of the whole amount of deposits with this said corporation; or such available fund, or any part thereof, may be loaned by the trustees on call, or on notice not exceeding ten days, upon the securities and in the manner provided in the last preceding section of this act.

§ 15. The sums deposited with the said corporation shall be repaid to the depositors thereof, or their legal representatives, at such times and with such interest, and under such regulations, as the board of trustees shall from time to time prescribe, which regulations shall be put and kept up in some conspicuous place in the room where the business of the corporation shall be transacted, and shall also be printed in the pass-book of each depositor, but shall not be altered so as to affect any deposit previously made.

Payment to depositors.

Regulations.

§ 16. Whenever any deposit shall be made by any person being an alien or minor, or a female, being or thereafter becoming a married woman, the same shall be held for the exclusive right and benefit of such depositor, and free from the control or lien of all persons whatsoever, except creditors, and shall be repaid, together with the dividends or interest thereon, to the person making the deposit, and the receipt or acquittance of such alien, minor or female shall be a valid and sufficient release and discharge for such deposit to the corporation.

Deposit by an alien, minors, &c., how to be held.

Receipt of such depositors, valid.

§ 17. In all actions in any court of this State, against the said corporation, by a husband to recover for moneys deposited by his wife in her own name, or as her own money, the wife may be examined and testify as a witness in like manner as if she were an unmarried woman. And in all actions against the said corporation to recover for moneys on deposit therewith, if there be any person or persons, whether husband or wife, or otherwise, claiming the same fund, who are not parties to the action, the court in which such action is pending shall, on the petition of said corporation, and upon five days' notice to the plaintiff and such claimants, make an order amending the proceedings in said action, by making such claimants parties defendant thereto; and the said court shall thereupon proceed to hear and determine the rights and interests of the several parties to said action in and to said funds. The said funds or deposits which are the subject of the said action may, in the discretion of the court, be permitted to remain with said corporation at the same rate of interest as other deposits of the same class, to the credit of the action until final judgment therein, and the same shall be paid by said corporation in accordance with the provisions of said final judgment. The question of costs in the actions referred to in this section shall, in all cases, be in the discretion of the court.

In actions, claimants of the fund who are not parties, may be brought in.

Funds to remain to credit of action.

Costs.

§ 18. It shall be the duty of the trustees of the said corporation to regulate the rate of interest to be allowed to the depositors in such manner that they shall receive, as nearly as may be, all the profits of the said corporation, after deducting necessary expenses, and reserving such amount as the trustees may deem expedient or desirable as a surplus fund, which, to the amount of ten per cent. of their deposits, the trustees of said corporation are hereby authorized gradually to accumulate and hold, to meet any contingency or loss in its business; provided, however, that it shall be lawful for the trustees to classify their depositors according to the extent or duration or character of their dealings with the said corporation, and to regulate the rate of

Rate of interest, how regulated.

Proviso.

interest in such manner that each depositor shall receive a ratable proportion of interest with all others of the same class.

Report to the superintendent of bank department.

§ 19. The said corporation shall, every year, make reports to the Superintendent of the Bank Department, as required by law, and in such form as he shall prescribe, and the books of the said corporation shall at all times during business hours be open to the inspection of the Superintendent of the Bank Department, or of such other person as the Superintendent or the Legislature may appoint as his or their agent for that purpose. Whenever any agent shall be appointed to make any such examination, he shall be paid for his services by such corporation such sum as the Superintendent of the Bank Department shall certify to be just and reasonable.

Examination of investments, &c.

§ 20. The Supreme Court may at any time, on the application of any trustee or depositor in said savings institution, and on reasonable cause shown therefor to the satisfaction of said court, appoint one or more persons to examine into the investments of said savings institution, and its affairs and business generally. The books, papers and business of said savings institution shall be open and subject to the examination of such person or persons, and the trustees, officers and clerks thereof, or any other person, may be examined on oath by such person or persons; and the same court may confer such further powers on the person or persons so appointed as they may consider necessary for the more thorough and perfect examination of the affairs and business of said corporation. The said person or persons so appointed shall report the result of their investigations to the said court, which, if satisfied thereby that any officer, trustee or servant of said corporation has been guilty of any fraud or misconduct, may remove such person or persons, and make such further order and take such further measures for securing the funds and property of said corporation as the said court shall deem expedient.

Trustees, &c., may be examined on oath.

Report.

Order thereon.

Misnomer not to vitiate.

§ 21. The misnomer of said corporation in any instrument shall not vitiate or impair the same if it be sufficiently described to ascertain the intention of the parties.

General provisions applicable.

§ 22. The corporation hereby created shall be subject to the provisions of the eighteenth chapter of the first part of the Revised Statutes, and all other general laws affecting savings institutions, so far as the same are applicable; and this act may be repealed, or altered or amended, at any time hereafter.

§ 23. This act shall take effect immediately.

Chap. 207.

AN ACT to amend the Revised Statutes relating to embezzlements by clerks, servants, officers, agents and other persons.

Passed April 18, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section fifty-nine, article five, title three, chapter one, of the fourth part of the Revised Statutes, is hereby amended so as to read as follows:

Embezzlement, what acts

§ 59. If any clerk or servant of a private person or of a copartnership (except apprentices and persons under the age of eighteen years), or if

any officer, agent, clerk or servant of a municipal or other corporation, or of a joint-stock company or association, or any director, trustee or manager of such corporation, joint-stock company or association, converts to his own use, or, without the consent of his master or employer, takes, makes way with or secretes with intent to convert to his own use or to the use of another, or withholds or appropriates or otherwise fraudulently applies or makes use of any money, goods, rights in action or other valuable securities or effects belonging to another and which may have come into his possession, or under his care, by virtue of such employment or office, he shall be judged guilty of embezzlement and shall, upon conviction, be punished in the manner prescribed by law for feloniously stealing property of the value of the article so embezzled.

Punishment.

§ 2. Nothing herein contained shall affect crimes committed before the passage of this act.

Not to have retrospective effect.

§ 3. This act shall take effect immediately.

Chap. 208.

AN ACT to amend article two of title ten of chapter eight of part three of the Revised Statutes, relating to summary proceedings to recover the possession of land.

Passed April 18, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision four of section twenty-eight of article two of title ten of chapter eight of part three of the Revised Statutes is hereby amended so as to read as follows:

4. Where any person shall hold over and continue in possession of any real estate which shall have been sold pursuant to the foreclosure of a mortgage thereon, or by virtue of an execution against such person, after a title under such sale shall have been perfected.

Summary proceedings.

§ 2. This act shall take effect immediately.

Chap. 209.

AN ACT to amend an act, passed April eighteenth, eighteen hundred and fifty-nine, entitled "An act to extend the provisions of an act authorizing the imprisonment of persons convicted of certain crimes in the counties of Montgomery and Oneida, in the Albany county penitentiary," passed April twelfth, eighteen hundred and fifty-eight, to all the counties in this State.

Passed April 18, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The act entitled "An act to extend the provisions of an act authorizing the imprisonment of persons convicted of certain crimes in the counties of Montgomery and Oneida, in the Albany county peni-

penitentiary, passed April twelfth, eighteen hundred and fifty-eight, to all the counties in this State," is hereby amended so as to read as follows:

Agreement by boards of supervisors for keeping prisoners.

Notice thereof to be given.

Duty of courts, &c., as to sentence.

Warrant.

Constable's and sheriff.

Fees.

§ 1. It shall be lawful for the several boards of supervisors in the several counties of this State to enter into an agreement with the board of supervisors of any county having a penitentiary therein; or with any person in their behalf by them appointed to receive and keep in the said penitentiary any person or persons who may be sentenced to confinement therein by any court or magistrate, in any of the said several counties in this State, for any term not less than sixty days. Whenever such agreement shall have been made, it shall be the duty of the said several boards of supervisors of the several counties aforesaid, to give public notice thereof, specifying in such notice the period of the continuance of such agreement, which said notice shall be published in such newspapers, printed in said several counties, not less than two, and for such period of time, not less than four weeks, as the several boards of supervisors of said several counties shall direct.

§ 2. It shall be the duty of every court, police justice, justice of the peace, or other magistrate, by whom any person may be sentenced, in the several counties of this State, for any term not less than sixty days, for any crime or misdemeanor not punishable by imprisonment in the State prison, during the continuance of the agreement mentioned in the first section of this act, to sentence such person to imprisonment in the penitentiary in the county with the board of supervisors of which the said agreement is made, there to be received, kept and employed in the manner prescribed by law, and the rules and discipline of said penitentiary; and it shall be the duty of such court, justice or magistrate, by a warrant, duly signed by the presiding judge or justice of such court, or by such justice or other magistrate so giving such sentence, to cause such person so sentenced, to be forthwith and by the most direct route conveyed by some proper officer to the county jail of the county in which he is so sentenced, and to be thereupon conveyed by the sheriff of such county to said penitentiary.

§ 3. It shall be the duty of the constables in and for the several counties of this State, to whom any warrant of commitment for that purpose may be directed by any court or magistrate in this act mentioned, to convey such person so sentenced, to the county jail of the county in which he is so sentenced, and of the sheriff of said county forthwith to convey such person to the penitentiary referred to in the second section of this act, and there deliver such person to the keeper of said penitentiary, whose duty it shall be to receive such persons, so sentenced, during the continuance of said agreement, authorized by the first section of this act, to be there safely kept and employed, according to the rules and discipline of said penitentiary; and the officers thus conveying such convicts, so sentenced shall be paid such fees and expenses therefor, as the several boards of supervisors of the several counties of this State shall prescribe and allow.

§ 4. This act shall take effect immediately.

Chap. 210.

AN ACT to amend the charter of the village of Horseheads, Chemung county.

Passed April 18, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. No alteration or amendment to the charter of the village of Horseheads shall be made except upon notice published three successive weeks next preceding the application therefor, in some newspaper published in said village, to be designated by the board of trustees.

Notice of amendment to charter.

§ 2. Neither the board of trustees or any officer of said village shall have power to create any debt or impose any obligation upon said village beyond that already provided by the charter, without a vote of the tax-payers thereof; and no action at law or suit in equity shall be maintained against said village for any liability created by contract until after presentation to and rejection by said board of such claim; a refusal or neglect to act upon any claim, when properly presented, shall be deemed a rejection thereof. In case a judgment shall be secured against said village, a transcript thereof shall be presumptive evidence of the amount and validity thereof, and it shall be the duty of the trustees to include the amount thereof in the next regular tax levy, raise sufficient money to pay the same, and the same shall be raised and paid the same as any other claim against the village, and not otherwise. Any violation of the provisions of this section shall be a misdemeanor punishable by a fine not exceeding one hundred dollars, or imprisonment not exceeding sixty days in the county jail, or both.

Debt, how created.

Presentation of claim.

Judgment against village.

How paid.

Misdemeanor.

§ 3. The trustees shall file, with the annual report now required by law, vouchers for all expenditures made during the current fiscal year, which shall be carefully preserved by the clerk and remain on file in his office, subject to the inspection of any inhabitant, for at least one week next preceding the annual election.

Vouchers to be filed.

§ 4. Within the following bound, viz.: North by the Chemung canal feeder, west by the Chemung railroad, south by Mill street and a continuation thereof to said railroad, east by Mann street from said feeder to the swing bridge near Daniel Bennett's, the trustees shall have the power to direct of which four materials sidewalk shall be made, viz.: flagging, brick, concrete or planks; but as to the remaining portion of said village, any person building, or being required by the trustees to build, any sidewalk shall be entitled to elect of which one of said materials the same shall be made; such election shall be made and the trustees notified thereof within twenty days after service of a notice to build any sidewalk.

Sidewalks.

§ 5. This act shall take effect immediately.

Chap. 211.

AN ACT to authorize the city of Utica to provide a building for fire department purposes, and borrow and disburse money to pay for the same.

Passed April 18, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Common
council
may bor-
row mo-
ney on
city
bonds.

When
payable.

City tax.

SECTION 1. The common council of the city of Utica is hereby authorized to borrow on the bonds of the city such sum as they may deem necessary, not exceeding five thousand dollars, at a rate of interest not exceeding seven per cent. per annum, for the purpose of erecting an engine house to be used and occupied by steamer company number two.

§ 2. Said bonds shall be made payable November first, eighteen hundred and seventy-four, and an amount sufficient to pay the same, with interest, shall be included in the city tax levy for the present year. The money thus raised shall be applied to the payment of said bonds and the interest thereon, and to no other purpose.

§ 3. This act shall take effect immediately.

Chap. 212.

AN ACT to extend the time to complete the revision of the Statutes by the commissioners appointed for that purpose.

Passed April 18, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The time to complete the work of revising the Statutes of the State, and the term of office of each of the commissioners appointed to make such revision, is hereby extended two years.

Chap. 213.

AN ACT to amend chapter one hundred and sixty, of the laws of eighteen hundred and seventy-four.

Passed April 18, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The title of chapter one hundred and sixty of the laws of eighteen hundred and seventy-four is hereby amended so as to read as follows:

Title
amended.

An act to extend the time for the collection of taxes in the town of Wallkill, in the county of Orange.

§ 2. This act shall take effect immediately.

Chap. 214.

AN ACT making appropriations for the payment of the principal and interest on the canal debt for the fiscal year commencing on the first day of October, one thousand eight hundred and seventy-four, and to provide for the payment of the debt contracted under section twelve of article seven of the Constitution.

Passed April 20, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following sums are hereby appropriated out of the canal revenues for the fiscal year commencing on the first day of October, one thousand eight hundred and seventy-four: Appropriation.

For the payment of the interest in coin on the loans made under section three of article seven of the Constitution, the sum of six hundred and thirty thousand dollars, or so much thereof as may be necessary. For interest.

To provide for the sinking fund for the extinguishment of the principal of the loans made under section three of article seven of the Constitution, the sum of three hundred and fifty thousand dollars. For sinking fund.

After complying with the foregoing provisions, if there shall be any remainder of the surplus revenues, the sum of six hundred thousand dollars, or so much thereof as shall remain of said surplus, is hereby appropriated to the sinking fund for the payment of the loans under section three of article seven of the Constitution. Surplus appropriated to sinking fund.

§ 2. The sum of two million three hundred and sixty-one thousand three hundred and seventy-five dollars, or so much thereof as may be necessary, is hereby appropriated from the sinking fund under section three of article seven of the Constitution, or from the proceeds of any deficiency loan on account of said sinking fund, to pay the principal in coin of the enlargement debt maturing on the first day of October, one thousand eight hundred and seventy-four. Appropriation for payment of canal debt.

§ 3. The following sums are hereby appropriated out of the proceeds of any tax to be levied and collected under the provisions of the act chapter two hundred and seventy-one of the laws of eighteen hundred and fifty-nine, to pay the interest and reimburse the principal of the loan of two million five hundred thousand dollars, to provide for the payment of the floating debt of the State: Appropriation out of proceeds of tax.

To pay the interest in coin on said loan for the fiscal year, commencing on the first day of October, one thousand eight hundred and seventy-four, sixty thousand dollars, or so much thereof as may be necessary. For interest.

To provide for the sinking fund to pay the principal of said loan, one hundred and thirty eight thousand eight hundred and eighty-eight dollars, being for one year's contribution to said fund, as provided for by the act aforesaid. For sinking fund.

Chap 215.

AN ACT to amend the charter of the Tract Society of the Methodist Episcopal Church.

Passed April 20, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The act entitled "An act to incorporate the Tract Society of the Methodist Episcopal Church," passed April fifteenth, eighteen hundred and fifty-four, and any act amendatory thereof, or relating to said society, are hereby respectively amended, so as to read as follows:

Corporators. § 2. The several persons now composing the said society, and all other persons who may become associated with them and their successors, are hereby constituted a body corporate and politic, by the name of "The Tract Society of the Methodist Episcopal Church," and by that name they and their successors shall, and may have, perpetual succession, and shall in law be capable of suing and being sued in any court whatsoever, and may have and use a common seal, and may alter the same at pleasure; and such corporation is and shall be capable of purchasing, holding and conveying such real and personal estate as the purposes of the said corporation shall require not exceeding in amount five hundred thousand dollars; but the annual income of the real estate held by it at any one time, within the State of New York, shall not exceed the sum of seventy-five thousand dollars.

Powers. § 3. The object of said corporation shall be to diffuse the blessings of education, civilization and christianity throughout the United States and elsewhere by the publication and distribution of tracts, cheap publications and books.

Limit of annual income. § 4. The management and disposition of the affairs and property of the said corporation shall be vested in a board of managers, composed of thirty-two laymen of the Methodist Episcopal Church, and thirty-two traveling ministers of the Methodist Episcopal Church, appointed by the general conference of said church at its quadrennial sessions, and of the bishops of said church, who shall be ex officio members of said board. Such managers as were appointed by said general conference at its last session shall be entitled to act as such from and after the passage of this act, until they, or others appointed by the ensuing general conference, shall assume their duties. Any such board of managers may fill any vacancy happening therein until the term shall commence of the managers appointed by an ensuing general conference.

Objects. Said board of managers shall have such power as may be necessary for the management and disposition of the affairs and property of the said corporation, in conformity with the constitution of said society as it now exists, or as it may be from time to time amended by the general conference, and to elect the officers of the society, except as herein otherwise provided; and such board of managers shall be subordinate to any directions or regulations made or to be made by said general conference.

Board of managers. § 5. Thirteen members of the said board of managers, at any meeting thereof, shall be a sufficient number for the transaction of business. The corresponding secretaries and the treasurer of said society shall be elected by the general conference of the Methodist Episcopal Church, and shall hold their offices for four years, or until their successors are elected; and in case of a vacancy by resignation, death, or otherwise,

Present managers.

Vacancies, how filled.

Powers of board.

Business quorum.

Secretaries and treasurer to be elected.

the bishops of the said Methodist Episcopal Church shall fill any vacancy in the office till the ensuing general conference. And until otherwise provided by the general conference said board of managers may appoint and remove at pleasure the treasurer of said corporation.

§ 6. The said corporation shall be capable of taking, receiving or holding any real or personal estate, by virtue of any devise contained in any last will and testament of any person whomsoever; subject, however, to the limitation expressed in the second section of this act as to the aggregate amount of such real estate, and also to the provisions of an act entitled "An act relating to wills," passed April eighteenth, eighteen hundred and sixty; and the said corporation shall be also competent to act as a trustee in respect to any devise or bequest pertaining to the objects of said corporation, and devises and bequests of real or personal property may be made directly to said corporation, or in trust, for any of the purposes comprehended in the general objects of said society; and such trusts may continue for such time as may be necessary to accomplish the purposes for which they may be created.

§ 7. The said corporation shall also possess the general powers specified in and by the third title of chapter eighteen of the first part of the Revised Statutes of the State of New York.

§ 8. This act shall take effect immediately.

Chap. 216.

AN ACT to incorporate the Albany County Savings Bank.

Passed April 20, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Jacob Leonard, Benjamin W. Wooster, Le Grand Bancroft, Theodore D. Smith, Rufus H. King, Albert M. Brumaghin, James H. Pratt, Royal Bancroft, Jasper Van Wormer, Francis N. Sill, Frederick Hinkel, Elair Taylor, Thomas McCarty, Cornelius Smith, Albert Wing, Henry A. Fonda, Willard Bellows, Joseph Mann, Alexander Morris, John Templeton and their successors, shall be and they are hereby constituted a body corporate and politic, by the name of Albany County Savings Bank, to be located in the sixth ward in the city of Albany, and by that name shall have perpetual succession, and may sue and be sued in any of the courts of this state.

§ 2. The persons named in the first section of this act shall be the first trustees of the said corporation, and all vacancies in the office of trustees shall be filled by the board, by ballot, without unnecessary delay, and the vote of a majority of the remaining members of the board shall be necessary to elect a trustee.

§ 3. The business of the said corporation shall be managed and directed by said board of trustees, who shall elect from their number a president and two vice-presidents, and may elect from their number, or otherwise, such other officers as they may deem expedient; and the vote of a majority of a full board of trustees shall be requisite for the appointment of any officer receiving a salary therefrom, or to fix or to increase the salary of any officer.

§ 4. No person being trustee shall, directly or indirectly, receive any pay or emolument for his services, and no trustee, officer or servant of said corporation shall directly or indirectly, for himself or as

Vacancy.
Capacity
to take by
devise.

Corpora-
tion may
act as
trustee.

General
powers.

Corpora-
tors.

Corpo-
rate name
and busi-
ness loca-
tion.

First trustee.

Vacancies, how
filled.

Board of
trustees.

Officers.

Salaries,
how ap-
pointed.

Trustees
to receive
no pay.

Officers,
&c., not to
borrow
funds, &c.

Not to be
indorsers.

Business
quorum.

Meetings,
regular
and spe-
cial.

Failure to
attend va-
cates of-
fice.

By-laws.

Proviso.

Business
and ob-
jects.

Certifi-
cates, &c.,
how bind-
ing.

Invest-
ments.

Stocks.

City or
county
bonds.

Bonds and
mort-
gages.

Corpora-
tion may
hold real
estate.

the agent or partner of others, borrow any of the funds of the said corporation, or its deposits, or in any manner use the same or any part thereof, except to make necessary current payments, or to make investments, or to deposit for safety, under the direction and by authority of the board of trustees; nor shall any trustee, officer or servant of said corporation be an indorser or surety, or in any manner be an obligor, for moneys loaned by or borrowed of the said corporation.

§ 5. A quorum of said board of trustees shall consist of not less than five, of whom the president or one of the vice-presidents shall be one; and it shall be lawful for the trustees, in their by-laws, to provide for a larger quorum; but less than a quorum shall have power to adjourn from time to time, or until the next regular meeting.

§ 6. A regular meeting of the board of trustees shall be held once in each month, to receive the reports of their officers, and transact such other business as may be necessary; and the trustees may, in their by-laws, provide for calling special meetings; and any trustee omitting to attend the regular meetings of the board for six months, unless previously excused by a vote of the board, shall thereby vacate his office as trustee; but may, in the discretion of the board, be eligible to a re-election.

§ 7. The board of trustees of said corporation shall have power, from time to time, to make such by-laws, rules and regulations as they may think proper for the election of officers, for prescribing their respective powers and duties, and the manner of discharging the same, for the appointment and duties of committees, and generally for transacting, managing and directing the affairs of the corporation; provided, such by-laws, rules and regulations are not repugnant to nor inconsistent with the provisions of this act, the Constitution and laws of this State or of the United States.

§ 8. The general business and object of the corporation hereby created shall be to receive on deposit any sum or sums of money that may be offered for that purpose, by any person or persons, or by any religious or charitable corporations or societies, and to invest the same, and declare, credit and pay dividends or interest thereon, as hereinafter authorized, and not otherwise; and all certificates or other evidences of deposit, made by the proper officer of said corporation, shall be as effectual to bind the corporation as if executed under the common seal thereof.

§ 9. It shall be lawful for the trustees of the corporation to invest the moneys deposited with them, and the gains or profits thereof, only as follows, namely:

1. In the stocks or bonds, or interest-bearing notes or certificates, of the United States.

2. In the stocks or bonds, or evidences of debt bearing interest, of this State.

3. In the stocks or bonds of any city or county of this State, issued pursuant to the authority of any law of this State; but not exceeding ten per cent. of the assets of the corporation shall consist of city or county bonds.

4. In bonds secured by mortgages on improved, unincumbered and productive real estate, situate in this State, worth at least twice the amount loaned thereon; but not to exceed forty per cent. of the assets of the corporation shall consist of such bonds and mortgages.

5. It shall be lawful for the corporation to purchase, hold and convey real estate only as follows: 1. A lot and banking-house requisite for the transaction of its business, and for an income from such portions of the

same as are not required for its own use. 2. Such as shall have been purchased at sales upon statute or other foreclosure of mortgages owned by the corporation, or upon judgments or decrees obtained or rendered for debts due it; and all such real estate as is described in the last preceding clause shall be sold by the trustees within five years after the same shall be vested in the corporation, unless, upon application by the trustees, the Superintendent of the Banking Department shall extend the time within which such sale shall be made.

Real estate, when to be sold.

§ 10. In all cases of loans upon real estate, a sufficient bond, or other personal security, shall be required of the borrower, and all the expenses of searches, examinations and certificates of title or appraisals of value, and of drawing, perfecting and recording papers, shall be paid by such borrower.

Personal security to be required.

§ 11. Whenever buildings are included in the valuation of any real estate, upon which a loan shall be made by said corporation, they shall be insured by the mortgagor for at least two-thirds their value, in such company of this State as the trustees shall direct, and the policy of insurance shall be duly assigned to the corporation; and it shall be lawful for said corporation to renew such policy of insurance, in the same or in any other company of this State, as they may elect, from year to year, or for a longer or shorter term, in case the mortgagor shall neglect to do so, and may charge the same to him. And all the necessary charges and expenses paid by said corporation, for such renewal or renewals, shall be paid by such mortgagor to the said corporation, and shall be a lien upon the property so mortgaged until paid.

Insurance.

Renewal of insurance.

Expenses, a lien.

§ 12. It shall be unlawful for the said corporation, directly or indirectly, to deal or trade in real estate in any other case, or for any purpose, than as authorized in the ninth section of this act, or to deal or trade in any goods, wares, merchandise or commodities whatever, except as authorized by the provisions of this act, and except such personal property as may be necessary in the transaction of its business.

Corporation not to deal or trade.

§ 13. It shall be lawful for the trustees of the corporation, while awaiting opportunity for the judicious investment of the moneys deposited with them, as authorized and required by this act, to loan the same, or any part thereof, upon the securities mentioned in section nine of this act, subject to the limitation contained in said section, but not exceeding ninety per cent. of the cash market value of such securities shall be loaned thereon; and should any securities depreciate in value after making a loan thereon, it shall be the duty of the trustees to require the immediate payment of such loan, or a part thereof, or additional security therefor, so that the amount loaned shall at no time exceed ninety per cent. of the market value of the securities pledged therefor.

Loans may be made.

Payment, or additional security may be required.

§ 14. It shall be the duty of the trustees of said corporation, as soon as practicable, to invest the moneys deposited with them, and the gains or profits thereof, in the securities named in the ninth section of this act except an available fund of not exceeding twenty per cent. of the deposits with said corporation, which the trustees may keep to meet current payments, and which may by them be kept on deposit in any bank or banking association, organized under any law or laws of this State or of the United States, or with any trust company incorporated by any law of this State, upon such terms as may be agreed upon; but the sum so kept on deposit in any one bank or trust company shall not exceed twenty per cent. of the capital of such bank or trust company, and shall not exceed twenty-five thousand dollars, or ten per cent. of the whole amount of deposits with this said corporation; or

Investment of deposits and profits.

Deposits limited.

Loans on call. such available fund, or any part thereof, may be loaned by the trustees on call, or on notice not exceeding ten days, upon the securities and in the manner provided in the last preceding section of this act.

Repayment to depositors, interest and regulations. § 15. The sums deposited with the said corporation shall be repaid to the depositors thereof, or their legal representatives, at such times and with such interest, and under such regulations, as the board of trustees shall from time to time prescribe, which regulations shall be put and kept up in some conspicuous place in the room where the business of the corporation shall be transacted, and shall also be printed in the pass-book of each depositor, but shall not be altered so as to affect any deposit previously made.

Deposits by alien, minor or female. § 16. Whenever any deposit shall be made by any person being an alien or minor, or a female being or thereafter becoming a married woman, the same shall be held for the exclusive right and benefit of such depositor, and free from the control or lien of all persons whatsoever, except creditors, and shall be repaid, together with the dividends or interest thereon, to the person making the deposit, and the receipt or acquittance of such alien, minor or female shall be a valid and sufficient release and discharge for such deposit to the corporation.

Receipt valid. § 17. In all actions in any court of this State, against the said corporation, by a husband to recover for moneys deposited by his wife in her own name, or as her own money, the wife may be examined and testify as a witness in like manner as if she were an unmarried woman.

Witness. And in all actions against the said corporation to recover for moneys on deposit therewith, if there be any person or persons, whether husband or wife, or otherwise, claiming the same fund, who are not parties to the action, the court in which such action is pending shall, on the petition of said corporation, and upon five days' notice to the plaintiff and such claimants, make an order amending the proceedings in said action, by making such claimants parties defendant thereto; and the said court shall thereupon proceed to hear and determine the rights and interests of the several parties to said action in and to said funds. The said funds or deposits which are the subject of the said action may remain, in the discretion of the court, with such corporation at the same rate of interest as other deposits of the same class, to the credit of the action until final judgment therein, and the same shall be paid by said corporation in accordance with the provisions of said final judgment.

Claimants not parties may be brought in. The question of costs in the actions referred to in this section shall, in all cases, be in the discretion of the court.

Order. § 18. It shall be the duty of the trustees of the said corporation to regulate the rate of interest to be allowed to the depositors in such manner that they shall receive, as nearly as may be, all the profits of the said corporation, after deducting necessary expenses, and reserving such amount as the trustees may deem expedient or desirable as a surplus fund, which, to the amount of ten per cent. of their deposits, the trustees of said corporation are hereby authorized gradually to accumulate and hold, to meet any contingency or loss in its business; provided, however, that it shall be lawful for the trustees to classify their deposits according to the extent or duration or character of their dealings with the said corporation, and to regulate the rate of interest in such manner that each depositor shall receive a ratable proportion of interest with all others of the same class.

Funds may remain to credit of action. § 19. The said corporation shall, every year, make reports to the Superintendent of the Bank Department, as required by law, and in such form as he shall prescribe, and the books of the said corporation shall at all times during business hours be open to the inspection of the

Costs.

Rate of interest, how to be regulated.

Classification of depositors and regulation of interest.

Reports to superintendent of bank department.

Superintendent of the Bank Department, or of such other person as the Superintendent or the legislature may appoint as his or their agent for that purpose. Whenever any agent shall be appointed to make any such examination, he shall be paid for his services by such corporation such sum as the Superintendent of the Bank Department shall certify to be just and reasonable.

Pay of agent.

§ 20. The Supreme Court may at any time, on the application of any trustee or depositor in said savings institution, and on reasonable cause shown therefor to the satisfaction of said court, appoint one or more persons to examine into the investments of said savings institution, and its affairs and business generally. The books, papers and business of said savings institution shall be open and subject to the examination of such person or persons, and the trustees, officers and clerks thereof, or any other person, may be examined on oath by such person or persons; and the same court may confer such further powers on the person or persons so appointed as they may consider necessary for the more thorough and perfect examination of the affairs and business of said corporation. The said person or persons so appointed shall report the result of their investigations to the said court, which, if satisfied thereby that any officer, trustee or servant of said corporation has been guilty of any fraud or misconduct, may remove such person or persons, and make such further order, and take such further measures for securing the funds and property of said corporation as the said court shall deem expedient.

Examination of investments, &c.

Officers, &c., may be examined on oath.

Report to the court.

Power of court to secure funds, &c.

§ 21. The misnomer of said corporation in any instrument shall not vitiate or impair the same if it be sufficiently described to ascertain the intention of the parties.

Misnomer not to vitiate.

§ 22. The corporation hereby created shall be subject to the provisions of the eighteenth chapter of the first part of the Revised Statutes, and all other general laws affecting savings institutions, so far as the same are applicable; and this act may be repealed or altered or amended at any time hereafter.

General powers.

§ 32. This act shall take effect immediately.

Chap. 217.

AN ACT to enable the common council of the city of Yonkers to construct a police station-house.

Passed April 20, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The common council of the city of Yonkers are authorized and empowered to sell the lands and buildings occupied as the headquarters of the police force of the city of Yonkers, fronting on Dock street and Warburton avenue, and known as lot number nine, Dock street, and lot number thirty-six, Warburton avenue, on a map of the late village of Yonkers, dated August, one thousand eight hundred and sixty-four. Also the lands and buildings belonging to the said city on Palisade avenue, and known as lot number eighteen, Palisade avenue, on said map, and apply the proceeds of sale of said property as hereinafter provided.

Common council may sell certain lands.

§ 2. The sale of said property shall be by public auction, except as herein otherwise provided; but such auction sale shall not be had until

Sale to be at auction.

after a notice thereof shall have been previously published for six weeks in the official city newspapers in said city.

Sale, how made. § 3. The said property may be sold in whole or in part, and in such parcels as the common council shall direct. The common council shall fix the terms of sale, and may receive a bond from the purchaser accompanied by a mortgage upon the parcel sold to such purchaser to secure the payment of a portion of the purchase-money; provided, however, that the common council shall not take more than seventy per cent. of the purchase-money upon bond and mortgage upon any one of the parcels sold, nor shall any bond and mortgage, given under the provisions of this section, run for a longer period than ten years from the time of its date.

Terms and security.

Proviso.

Bonds may be issued. § 4. It shall be lawful for the said common council to issue bonds upon the credit of the city of Yonkers, to be signed by the mayor and city clerk, and to be known and designated "police station-house bonds," to an amount equal to the principal of the purchase-money bond or the aggregate of the purchase-money bonds received by the said common council pursuant to the preceding section. The police station-house bonds, in this section authorized to be issued, shall be of such denomination as the common council shall determine, and shall bear interest at the same rate and shall become payable within two years after the purchase-money bond or bonds to be received by the common council, as provided in the preceding section. The said common council shall convert said police station-house bonds, in this section authorized to be issued, into money, at not less than their par value, and it shall expend the proceeds thereof, together with the cash payments received by the city from the purchaser or purchasers of said property, in constructing a substantial police station-house, lock-up, lodging rooms and stables, suitable to the present and future needs of the police department of said city, upon the Manor hall grounds belonging to said city. After the payment of the purchase-money bond or bonds to the said city, it shall be the duty of the said common council to use the moneys thus derived in the purchase of any outstanding bonds of said city, at par, and after their purchase, to cancel and destroy the same.

Amount thereof.

Denomination and rate of interest.

Bonds to be converted.

Proceeds, how to be expended.

Outstanding bonds.

Surplus, how to be applied. § 5. Should any surplus moneys remain after the completion of said building, the said common council shall expend it in the purchase of any outstanding bonds of said city, or in the purchase of property for city purposes. In case there should not be sufficient moneys realized from the sale of said property to pay for the construction of said buildings, the common council shall have power to levy and assess a tax upon the taxable property of said city, to pay the deficiency, which tax shall be collected in the same manner, and together with the annual city taxes; provided, however, that such tax shall not exceed the sum of ten thousand dollars.

Tax to pay deficiency.

Appraisers to be appointed. § 6. The common council of said city shall have the power to appoint three competent and reliable persons, residents of said city, who are acquainted with the value of real estate therein, to appraise said property hereinbefore authorized to be sold, and it shall thereupon be the duty of said persons so appointed as appraisers to appraise said property and the several parcels thereof, as the same may be divided by the common council, at its full and just value, and certify the same to the common council. After the receipt of the certificate of said appraisers by the common council, it shall have the power to sell said property, or any one or more of the parcels thereof so appraised, at a price not less than said appraised value, to any person who will take the same upon the

terms prescribed by the common council. If, however, the said common council shall be of the opinion that said property would sell at public auction for more than it is able to obtain by private sale, then it shall sell said property, or such parcels thereof as may not have been sold at private sale, as provided in sections two and three.

§ 7. This act shall take effect immediately.

Chap. 218.

AN ACT to amend, revise and consolidate the laws in relation to the village of Seneca Falls, in the county of Seneca.

Passed April 20, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The charter of the village of Seneca Falls is hereby amended so as to read as follows:

TITLE I.

SECTION 1. That district of country in the county of Seneca, and town of Seneca Falls, included within the following bounds, to wit: village boundaries. Beginning in the center of Ovid street, at the northwest corner of a farm now owned and occupied by Sering W. Edwards, and running thence easterly along the north line of said farm to the west line of the highway which runs north and south along the east side of said farm; thence northerly along the west line of said highway to a point opposite the northwest corner of a farm now owned and occupied by Mrs. Amanda Cross; thence easterly across said highway and along the north line of said last mentioned lands, to the southeast corner of land formerly owned by James A. Easton and now owned by Lawrence Muldoon; thence northerly in a direct line to the southeast corner of the Catholic cemetery; thence northerly and along the east line of said cemetery to the northeast corner thereof; thence northerly in a direct line to the southeast corner of a farm now owned and occupied by Lyman F. Crowell; thence westerly and along the south line of said Crowell's farm to the northwest corner of a farm now owned by William J. Thayer; thence westerly in a direct line, to the northeast corner of a lot of land now owned and occupied by Laurette Sherman; thence westerly along the north line of said Sherman's land, and on a direct line therewith, to the east line of the highway known as the "Black Brook road;" thence southerly along the east line of said Black Brook road to a point directly east of the southeast corner of a farm now owned and occupied by Jacob Reamer; thence westerly across said road and along the south line of said Reamer's farm to the northwest corner of lands owned by Jonathan E. Burroughs and contracted by him to be sold to the "Burrough's Farm Co-operative Building Lot Association;" thence southerly along the west line of said association's lands, and on a direct line therewith, to the center of the Seneca river; thence easterly and along the center of said river to a point south of the southwest corner of a lot now owned and occupied by William Parrish; thence southerly in a direct line to the northwest corner of land lately purchased by John A. Rumsey and Henry Hoster of John Van Rensselaer; thence southerly along the west line of said Rumsey and Hoster's land to the southwest corner

thereof; thence in a direct line, southeasterly, to the northwest corner of a farm owned and occupied by Jacob Viele; thence east or easterly along and on a line with the north bounds of said Viele's farm to the west line of Bridge street; thence southerly along the west line of Bridge street, and in a direct line therewith, to the center of Ovid street; and thence north or northerly along the center of Ovid street to the place of beginning; shall hereafter be known by the name of, and shall be, "The Village of Seneca Falls," and the inhabitants residing therein shall be a corporation by the name of "The Village of Seneca Falls."

Corpo-
rate
name.

§ 2. The said village shall be divided into four wards, as follows:

Wards,
number
and
bounds of.

The first ward shall be all that part of said village lying north of the center of the Seneca river and east of a line bounded and described as follows, to wit: Commencing at a point in the center of the Seneca river, where the same would be intersected by a line drawn through the center of that part of State street which lies between Chapel street and the crosswalk in front of A. C. Gibbs' livery barn, and running thence northerly in direct course, and through the center of that part of State street above described, to the center of Chapel street; thence westerly and along the center of Chapel street to the center of Mynderse street, and thence northerly along the center of Mynderse street, and on a direct course therewith, to the northerly bounds of said village. The second ward shall be all that part of said village lying north of the center of the Seneca river and west of the line above described as forming the western boundary of the first ward. The third ward shall be all that part of said village lying south of the center of the Seneca river and west of the reservation line. The fourth ward shall be all that part of said village lying south of the center of the Seneca river and east of said reservation line.

Trustees
may alter
bounda-
ries of
wards.

§ 3. The board of trustees may, by a unanimous vote of all the trustees, alter the boundaries of said wards from time to time, as they may deem the same to be necessary or proper. Such division and any alteration shall at once be published in a village newspaper, once a week for a time not less than four weeks in succession. Such division or alteration shall take effect immediately after the expiration of such four weeks of publication; but said board of trustees, hereinafter provided for, shall have no power to alter the number of said wards. The present board of trustees and other officers of said village shall, from and after this act shall become a law, have all the powers and be subject to all the duties as provided by this act for like officers, until their successors respectively shall be elected or appointed, and duly qualify as hereinafter provided, and nothing herein contained shall be construed as in any manner affecting or restricting the term of office of any of the officers of said village heretofore elected.

Existing
trustees
and offi-
cers to re-
main in
office till
expiration
of terms.

TITLE II.

Village
officers.

SECTION 1. The officers of the corporation shall be:

1. A president of the village, who shall hold office for two years.
2. Eight trustees, two of whom shall reside in each district, and who shall each hold office for two years.
3. A clerk, who shall hold office for two years.
4. A treasurer, who shall hold office for one year.
5. A police justice.
6. An attorney.
7. A street commissioner.
8. An assessor.

9. Two or more police constables, and as many extra police and night watchmen as the board may appoint.

10. A sexton, four fire wardens, and such other appointive officers as shall be authorized by this act.

§ 2. The president, trustees, clerk and treasurer shall be elected, as hereinafter provided, by the people of the corporation qualified to vote at the annual State election. The board of trustees shall appoint the other officers mentioned in above section number one, and such other officers as may be hereinafter provided for; and all and every of said officers thus appointed may be removed by said board of trustees at their pleasure. Every officer, whether elected or appointed, must be, and at all times continue to be, a resident and elector of the village and district for which he is chosen, otherwise his office is vacant, and the board of trustees must so declare and provide for a new election or appointment.

President, &c., to be elected.
Other officers to be appointed.
Officer must be a resident.

§ 3. An election of officers of the corporation shall be held in each ward of said village on the second Tuesday in January in each year, at such place as the board of trustees shall appoint, of which six days' previous notice shall be given, in writing, in two public places in each ward, by the clerk of the village.

Election, when to be held.
Notice thereof.

§ 4. The trustees of each ward shall be inspectors of election therein. In case of the absence of any trustee, an inspector of election may be appointed to fill his place, by the president of the village. The trustee last elected, or the person appointed to fill his place, shall be chairman of the board, and the two inspectors, with the president of the village, in case the inspectors shall not agree, shall appoint a clerk of such election. They shall have the same powers and duties as belong to such officers at town elections.

Inspectors of election.
Chairman.
Clerk.

§ 5. The polls shall be opened at nine o'clock in the forenoon, and be kept open until four o'clock in the afternoon of the day appointed for the election. The ballots received from the several electors shall be deposited in boxes provided for that purpose, and those indorsed "Ward" shall be kept separate and apart from those indorsed "Village," but no ballot found in the right box shall be rejected for want of a proper indorsement.

Polls, what time to be open.
Ballots.

§ 6. A statement of the result of the canvass shall be made and certified by the inspectors of each ward, and deposited with the clerk of the village, on the same day of, or the next day after, the election. The clerk shall present such statements to the board of trustees at their next meeting, which shall be on the day succeeding the canvass. The board of trustees shall thereupon declare what persons have been elected to office, and cause such persons and each of them to be notified of their election. All such persons shall hold their offices as hereinbefore provided and until others shall be elected and take the oath of office.

Result to be certified.
Next meeting of trustees.
Board of trustees to declare result.

§ 7. Every officer of this village, whether elected or appointed, shall, before entering upon the discharge of the duties of his office, take and file with the clerk of the village the oath of office prescribed by the Constitution.

Official oath.

§ 8. The treasurer, police justice, street commissioner and such other officers as may be required by the board of trustees shall, severally, before they or either of them enter upon the discharge of the duties of their respective offices, execute and file with the village clerk, a bond to the village of Seneca Falls (approved by the board of trustees), with two or more sureties (who shall each justify in the usual form to double the amount of the bond), in such sums as the board of trustees or a

Official bonds.

majority thereof shall in writing thereon approve, conditioned that he or they will faithfully execute and discharge each and every of the duties of his or their office, and will, on demand of the president of the village or board of trustees, duly account for and pay over all moneys received by him or them, and will deliver up all tools, utensils and property and books and accounts of every name and kind belonging to said village that may in any way come into his or their hands on account of his or their official capacity, and no such officer shall be entitled to any salary, pay or fees until he shall have given and filed said bond as herein required.

Penalty for not giving bond.

Failure to take official oath, or to execute bond vacates office.

§ 9. If any officer of this village, either elected or appointed, shall neglect or fail to take and file the constitutional oath of office as hereinbefore required, within ten days after he shall be personally notified by the clerk of his election or appointment; or if any officer, who by this charter, or by the board of trustees as herein provided, shall be required to execute and file a bond, shall fail to make and file his bond, duly approved as by this charter required, within thirty days after such personal notice, in either case the said officer thus failing to file such oath, or make and file his bond, shall be deemed to have declined the office, and his place shall be filled as in case of a vacancy.

Vacancies, how filled.

§ 10. All vacancies in any village office, except elective offices, may be filled by appointment, as herein provided, by the board of trustees. If any vacancy occur in any elective office other than president or trustees, the board of trustees may, by appointment, fill the same until the next annual village election, and if the time of office of such vacancy shall not then end, there shall be elected at such election some person to fill the balance of such vacancy, to be so designated on the ballot.

Appointments, &c., to be entered in records.

Certificate to be filed in county clerk's office.

§ 11. All appointments or nominations by the board of trustees shall be duly entered in the records of said village. A certificate of such appointment or election, duly signed by the clerk and sealed with the corporate seal, shall be prima facie evidence of such appointment or election in all courts or elsewhere in this State. The village clerk shall file or cause to be filed in the county clerk's office of Seneca county a certificate of all appointments of police constables and police justice, and also a certificate of the removal of any of them, whenever any are removed from office.

TITLE III.

Board of trustees, how constituted.

Stated meetings.

Tie vote.

Chairman to be elected.

His powers.

President pro tem.

SECTION 1. The board of trustees of said village shall consist of the president and eight trustees, who shall each take the oath of office, before any person authorized to administer oaths within said village, and shall, upon filing such oath with the village clerk, enter upon the discharge of their duties. The trustees shall hold stated meetings at least once in each month, and as often as the business of the corporation may require. The president shall preside at all meetings of the board of trustees, and shall give the casting vote whenever there shall be a tie in the vote of the trustees. At their second meeting, in each year, the trustees shall elect one of their number to be chairman of the board of trustees of said village for the ensuing year, who, in case of the absence of the president of the village, or in his inability to act, shall during his absence or inability, exercise all the powers and duties of the president of the village, and shall be entitled to vote on all questions. In the absence of the president of the village and of the chairman of the board, the trustees may elect one of their number to preside pro tem., who shall also be entitled to vote on all questions. No ordinance or resolution of said village shall take effect unless approved in writing by the president

of the village, unless, on the ayes and noes being called after the refusal of the president to approve the same, six trustees shall vote in its favor. Special meetings of the board of trustees may be called by the president of the village, or by the trustees of any ward, on notice to the president and each of the other trustees. One trustee from each ward, with the president, or six trustees, shall constitute a quorum to do business. All such meetings, both stated and special, shall be held at such place as the board of trustees shall, by by-law, appoint, and shall at all times be public and open to any taxable inhabitant of this corporation, except at such times as the board may have under consideration the appointment, nomination or removal of any village officer or member of the fire department subject to removal by said board, and at such times it may exclude every person but the clerk from its session.

Veto.
Special meetings.
Business quorum.
Meetings to be public, except, &c.

§ 2. The said board of trustees shall have the management and control of the finances and all the property, real and personal, belonging to the said corporation, subject to the provisions and restrictions of this act; and shall examine, settle and audit all accounts against the village or its officers, or others. They are authorized within the limits of said village:

Board of trustees to have control of finances, &c.

1. To prevent vice and immorality; to suppress disorderly assemblages; to preserve peace and good order; to establish and maintain a competent police; to apprehend and punish idlers, vagrants and importers; to protect the citizens and their property, and to promote the welfare of the corporation, and to erect and maintain a village prison for the temporary detention of all persons charged with the commission of any crime, misdemeanor or offense against the laws of the State or the ordinances of the village; or who shall be held by reason of the judgment of any court for the non-payment of any fine imposed for any misdemeanor committed or for any penalty incurred within said village; and all such fines and penalties shall be paid into the village treasury for the support of said prison and village police; and said village prison shall be kept in a comfortable and healthy condition; said village prison shall be erected and maintained solely at the expense of said village and corporation. The president of the village, for cause shown, may order the discharge of any person confined in said village prison, under any ordinance or by reason of any fine or judgment in favor of said village; and he shall have power to remit or compromise any such judgment, all costs and expenses incurred being paid.

Enumeration of powers of Board of trustees.
Village prison.

2. To appoint, select or nominate all officers or employees of this village not made elective by this act. To fix and determine the salary, pay or fees of all officers or employees of this village not otherwise provided for by this act. Every member of the said board who shall be in attendance during a regular monthly meeting thereof shall be entitled to one dollar; and every trustee or other person who shall officiate as inspector, at any election authorized by this act, shall be allowed two dollars for such service. The president or any trustee may be paid such additional sum for actual services performed as the board of trustees shall audit, not exceeding one dollar and fifty cents per day actually (not constructively) spent by him in the necessary business of said corporation, provided said additional allowance so audited be separately submitted to the proper village or ward tax meeting after such audit, and a tax to pay such audit shall be voted.

Fines.
President may discharge from village prison.

Salaries, &c.
Pay of trustees.

3. To restrain and suppress disorderly and gaming houses, all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices within the said village.

Proviso.
Gaming, &c.

Regulation of saloons, &c.

Shows, &c.

Houses of ill-fame, &c.

Noisy and vicious persons, &c., may be arrested.

Nuisances.

Slaughter houses.

Gunpowder. Lights.

Fire-works, &c.

Drains.

Horse-racing in streets, &c.

Incumbering streets, &c.

Carts and hacks.

4. To regulate and fix the hours of closing saloons, shops and places in which intoxicating liquors are sold; and to regulate and determine the places of bathing in the river, canal or ponds within said village.

5. To restrain and regulate all exhibitions of any natural or artificial curiosities, caravan of animals, theatrical and other shows and exhibitions, circuses or other performances for money, and authorize the same, on such terms as the board of trustees shall deem expedient.

6. To repress and restrain houses of ill-fame, billiard tables, bowling alleys and pistol galleries. Said board of trustees shall have power to apprehend, or cause to be apprehended, all noisy and vicious boys and persons at all public assemblies and meetings, at any public halls or places in said village and to preserve good order and decorum, and to prevent all loud, obscene or vulgar language at such places, and to arrest, or cause to be arrested, all persons and boys guilty of such conduct. Any persons committing any such offenses are hereby declared disorderly persons within the meaning of this act.

7. To provide for the abatement of nuisances. To compel the owners or occupants of any grocery, tallow chandler shop, soap factory, tanning stall, privy or sewer, or other unwholesome or nauseous house or thing, or place, to cleanse, remove or abate the same, from time to time, as often as in the opinion of the board of trustees the same may be necessary for the health and comfort and convenience of the inhabitants of the said village; and said trustees shall have full power to enter upon the premises upon which a nuisance is situated, and cause the same to be removed, and cause the expenses thereof to be assessed upon and collected from the premises on which the same is situated, and may also enforce the penalty imposed by the ordinance of said village for erecting or maintaining such nuisance; but all such determinations shall require a concurring vote of two-thirds of all the trustees of said village.

8. To direct the location of all slaughter-houses, markets, and houses for storing gunpowder, or any combustible substance, and to regulate the keeping and conveying of gunpowder and other dangerous materials, and the use of candles and lights in barns, stables and other buildings.

9. To prohibit and regulate the exhibition of fireworks, the storing and sale of gunpowder, and the discharge of firearms within said village.

10. To provide for the proper drainage of said village, and to that end to erect, maintain or repair all necessary drains in the streets or public grounds of said village, and to regulate and direct, by by-law or resolution, the mode, manner and time in which all private drains, when laid in any public street, shall be made, maintained or repaired, and, in case of neglect or refusal to make, maintain or repair any private drain as directed, to enforce the same by fine, by doing the work or otherwise.

11. To prevent horse racing and immoderate driving in the streets of said village, and to authorize the stopping of any one who shall be guilty of immoderate riding or driving in said streets, by any person; and to prevent the flying of kites, rolling hoops, playing at ball, sliding down hill on sleds, or any other amusements practiced, having a tendency to endanger or annoy persons passing on the streets or sidewalks, or to frighten teams or horses in said village.

12. To prevent the incumbering or stoppage of the streets, squares, sidewalks, crosswalks, lanes and alleys with railroad cars, teams, carriages, carts, sleighs, sleds, wheelbarrows, boxes, lumber, timber, firewood, coal or any other substance or material whatsoever; and to prohibit, restrain and regulate, by license, the running of carts and hacks, or

other vehicles, for transporting passengers or freight, within said village, and to fix the rates of fare and cartage to be charged by teamsters, cartmen and stage or hack drivers doing business in said village.

Rates of fare and cartage.
Projection over streets, &c.

13. To prevent or regulate the erection or construction of any projection from or in front of any building, in or upon any of the streets or sidewalks in said village, and cause the same to be removed at the expense of the owner or occupant of the premises.

14. To prohibit any person from bringing and depositing within the limit of said village any dead carcass or other unwholesome or offensive substance, and to require the removal or destruction, by any person who shall leave in or upon his premises, any such substances, or any putrid meats, fish, hides or skins of any kind, and on his default, the removal or destruction thereof by some officer of the village; the expense thereof to be paid by the person or persons violating any such prohibition, or refusing or neglecting to make such removal or destruction.

Removal of offensive substances.

15. To require the removal from said village of all persons having infectious or pestilential diseases, and to authorize and require any officer of said village to remove such persons; provided that a suitable and proper place shall have been provided for their reception.

Persons having infectious diseases.

16. To direct the keeping and returning of bills of mortality.

Bills of mortality.
Board of health.

17. To appoint not exceeding four residents of said village health commissioners, who, with the president as a member and presiding officer, shall constitute a board of health of said village, and said board of health shall have all the powers and be subject to all the duties of "An act for the preservation of public health," passed April tenth, eighteen hundred and fifty, in addition to the powers which are conferred or may be authorized by this act.

Its powers and duties.

18. To take such measures as they shall deem effectual to prevent the entrance of any pestilential or infectious disease in the village.

Prevention of disease.

19. To regulate and determine the time and place of bathing and swimming in the waters of said village.

Bathing and swimming.

20. To restrain horses, cattle, sheep, swine and geese from going at large in said village, under a penalty not exceeding five dollars for every such animal found so going at large in violation of the by-laws of said village.

Restraint of animals.

21. To require all persons owning or occupying property in said village, and the owners of unoccupied property therein, to remove all snow and dirt from the sidewalks in front of the premises so owned or occupied by them, and to keep the same clean and free therefrom, and in case of neglect or refusal on the part of such owner or occupant, to remove the same at his expense and impose and collect such penalty as shall be provided by any ordinance of said corporation for such neglect or refusal.

Removal of snow and dirt from sidewalks.

22. To regulate the ringing of bells, and the crying of goods, wares and merchandise, or other commodity in the said village.

Ringling of bells, &c.

23. To prohibit, restrain and regulate all gift enterprises, or sales of goods founded upon or connected with any gift, lottery or chance in said village, and to restrain and regulate auctioneering in said village, and prohibit and regulate the hawking, peddling, auctioneering or sale of property in the streets, alleys, lanes or public parks of said village.

Prohibition of lotteries, &c.

Auctioneering, &c.

24. To make regulations for taxing and confining dogs in said village, and to authorize the destruction of the same when found running at large.

Dogs.

25. To establish, regulate, make and guard public reservoirs, pumps and wells, and to provide for supplying the village with water by means of pipes, and to make regulations in regard to the use of the same.

Public reservoirs, &c.

- Sealers.** 26. To appoint one or more sealers of weights and measures.
- Markets, &c.** 27. To provide for keeping and regulating hay scales, and to establish, order and regulate markets, and to regulate the vending of wood, meats, vegetables, hay, fruit, fish and provisions of all kinds.
- Lock-up, and other public buildings.** 28. To erect, maintain and repair all engine-houses, lock-up, jail, town-house or other public buildings necessary for the corporation; to aid in the erection of any public building which it shall be necessary to occupy in part or wholly for the business of said village or its officers, or to lease any buildings or premises for the same purposes; but no work shall be entered upon, or contract entered into, until the money to pay for the same is voted therefor by the village, at a tax meeting, as hereinafter provided; and all work, except repairing, shall be done by contract, to be publicly advertised and let to the lowest responsible bidder giving good security for the faithful performance of said work.
- Leasing of buildings.**
- All work by contract.**
- Opening, &c., of streets. Parks.** 29. To open, improve, regulate, repair and control all streets and highways in said village. To establish, regulate and maintain public parks in said village, and to make necessary rules for the mode or manner of use or occupation, preservation, protection or adornment of said streets or public parks, and to that end to plant, cultivate, protect, trim and preserve shade trees in said village.
- Shade-trees.**
- Lighting of streets.** 30. To provide for lighting the streets of the village, and the protection and safety of the public lamps, and to prevent the same from being lighted or extinguished by persons not duly authorized by said trustees to light or extinguish the same; and to that end to appoint one or more lamp-lighters for said village.
- Powers over street commissioners, &c.** 31. To prescribe the powers and duties of the treasurer, clerk (except as the same is prescribed and fixed in this act), street commissioner, pound-master, firewardens and all officers appointed by the board of trustees.
- Fire department.** 32. To organize and establish a fire department (either paid or unpaid); to divide the same into divisions or companies; to determine the number of members of each and all of said companies or divisions and their duties and powers respectively; to determine as to the officers of said divisions or companies, and their duties and powers respectively; to choose or select all members of said fire department or provide for their choice or selection; to appoint or provide for the choice of all officer of said fire department or any of the divisions or companies thereof; to direct or designate what engine, either steamer or hand, or what apparatus, either hose, ladders, hooks, buckets or any other, each of said divisions or companies, or each of said officers of said fire department or companies, or each of the members or any designated number of them, shall respectively take possession of, use, and be responsible for; and how they or either of them shall respectively take possession of or use the same, and to what extent they or either of them shall be responsible for the same; to take exclusive possession of, control, manage and repair all engines, hose, ladders, hooks, buckets or other implements or accoutrements now owned or controlled by the said village of Seneca Falls or the trustees thereof, and to purchase any other engine (steamer or hand), hose, horses, harness, ladders, hooks, buckets or other implements, accoutrements or material necessary for the proper and efficient operation of said fire department, or any company, division, officer or member thereof; to determine the pay (if any) and mode of payment of all officers and members of said fire department; to remove or dismiss any members or officers of said fire department at their pleasure, or to provide how and in what manner and for what cause any officer or member of said fire department may
- Fire engines, apparatus, &c.**
- Control of engines, &c., now owned by village.**
- Purchase of fire apparatus.**
- Pay of officers, &c.**
- Dismissal of members.**

be removed or dismissed; to provide by by-law what penalty or fine any officer or member of the fire department may forfeit or be subjected to for any violation of any of the rules or regulations of said board of trustees, or for any disobedience, refusal or neglect to obey the orders of any member of said board of trustees, or of any superior in said fire department; and generally to make such fire laws, rules, regulations or ordinances relating to said fire department, and the rights and duties of the same, or any of the officers or members thereof, and relative to the duties of all persons or citizens during fires in said village, as they may deem best, and to enforce the same by suitable and proper penalties; and to do or cause to be done, any and everything necessary and proper to protect the property in said village from injury or destruction by fire; provided, always, all such by-laws, rules and regulations are not inconsistent with or contrary to the Constitution or laws of this State or of the United States. But the said board of trustees shall enter into no contract, nor make any purchase, unless the money to pay therefor has been legally voted at a village tax meeting.

Penalties and fines.

Fire laws.

General powers.

Proviso.

Money to be voted.

33. To protect property, both real and personal, of individuals at times of fires, and to appoint guards for the protection of the same, and to prescribe their powers, duties and compensation.

Protection of property, &c.

34. To authorize the fire wardens, at reasonable times, to enter and examine all houses, stores, yards and outbuildings, to ascertain if they are in a dangerous state in regard to fires, and direct and compel the owner or occupant to put the same in a safe condition and, in default, to appoint any person to do the same at the expense of such owner or occupant.

Examination of houses, &c.

35. To regulate and control the use of all engine-houses, rooms and buildings owned or occupied by said village of Seneca Falls, and cause such of them and the property therein belonging to said village to be insured as they shall deem best.

Engine houses, &c.
Insurance.

36. To establish, maintain, lay out, cultivate, adorn and take care of a cemetery, and to regulate the burial of the dead therein, within or near by this corporation, or to aid others in establishing and maintaining such cemetery; provided this corporation shall own and have the benefit of a plot or portion of such cemetery, and to take care of, cultivate and adorn, and regulate the burial of the dead in all cemeteries now owned or controlled by this corporation, and, for such purposes, to plant and cultivate trees or shrubs, and to lay out, make and keep in repair roads and walks through the same, and to appoint a sexton to take charge of the same.

Cemetery.

Proviso.

Trees and shrubs.

37. To purchase, hold, sell, convey and agree to purchase and convey real estate whenever necessary or expedient for the accomplishment or execution of any of the purposes, or powers or duties mentioned in this act.

Purchase, &c., of real estate.

38. To cause the sidewalks, on the streets and highways in said village to be leveled, raised, planked, graded, paved, flagged and repaired, and ornamented with trees, by and at the expense of the owners or occupants of the lands and premises benefited thereby; and, if not done by such owners or occupants in the manner, and of the material and kind, and within the time prescribed by the board of trustees, the said board of trustees may make such improvements and repairs and assess and collect the expense thereof, upon such owners or occupants, in the manner hereinafter in this act provided.

Sidewalks, grading, paving, &c.

39. To provide by by-law when, how and in what manner any gas or water company, or any of their officers or employees, or any other per-

Gas or water companies.

Laying of
pipes,
drains,
&c.

son or corporation not now authorized by law to do the same, may disturb, dig up, or in any way interfere with the streets of said village or any portion of the materials or soil thereof. And when, how, and in what manner and on what conditions, except as now permitted by law, they may lay pipes, drains, or any other thing or material on or under the surface of any of said streets or public grounds of said village; and to prohibit any interference with said streets or public grounds of said village, or the laying of any pipes or drains, or other material or thing, on or under the surface of said streets or public grounds, except authorized by law as aforesaid, unless in accordance with said by-laws thus made, and to enforce by proper penalty any violation or attempt to violate said by-laws.

General
ordinan-
ces, &c.

40. To make such other general ordinances, by-laws and regulations, not repugnant to the general laws of the State, as they shall deem expedient for the good government of the village.

Ordinan-
ces, rules,
&c.

Penalties.

41. For the purposes aforesaid, or any of them, or of executing any other powers conferred upon them by this act, to make, establish and publish, modify, amend, and repeal ordinances, rules and regulations and by-laws; to prescribe such penalties and fines as they may deem proper for the violation of them, not exceeding fifty dollars for any one offense, except as herein otherwise provided, and to collect the same of any persons, guilty of such violation, in any court having jurisdiction of such cases; or, in case any person or corporation refuse or neglect to do any act or work as thereunto required, to do or procure the same to be done, and collect the cost and expense of the same as a fine or penalty, or as a tax, or as both, in the same manner as any other fine or penalty, or any tax, is provided to be collected by this act; but all such rules, ordinances, regulations and by-laws shall be published, once in each week for two weeks successively, in one or more newspapers published in said village, before they shall take effect.

Ordinan-
ces, by-
laws, &c.,
publica-
tion of.

Police jus-
tice's
office.

Penalties
and fur-
feitures,
in what
courts en-
forced.

Police jus-
tice, his
jurisdic-
tion.

First pro-
cess.

Certificate
of clerk,
evidence.

42. To regulate and prescribe the days and times of days when the police justice's office shall be open for the transaction of business.

§ 3. All proceedings or actions to recover or enforce any penalty or forfeiture incurred under this act, or the ordinances, by-laws, rules, orders or regulations made by authority or in pursuance thereof, may be had and taken before the police justice of this village, or before or by any court of civil jurisdiction, in accordance with the rules thereof, within this State; and the said police justice or court shall have jurisdiction to hear, try and determine the same, and render judgment therein, and in such actions or proceedings brought before the police justice of this village, the first process may be by warrant, and, on judgment being recovered for any such penalty, execution shall issue against the person of the defendant as well as against his property, in the same manner as in actions for torts. In any such action or proceeding, the certificate of the clerk of said village of Seneca Falls, under the corporate seal of said village, setting forth any such ordinance, by-law, rule or regulation, and certifying the adoption of the same, and the date of such adoption by the board of trustees of said village, and the fact of the publication thereof shall be presumptive evidence of the existence and due passage or adoption and approval of any such ordinance, by-law, rule or regulation, and of the due publication thereof, according to the requirements of this act.

TITLE IV.

President,
his term of

SECTION 1. The president shall hold his office for two years. It shall be his duty to preside, when present, at all meetings of the board of

trustees; to see that this charter and all the by-laws and ordinances are strictly enforced and the fines imposed thereby promptly collected; to see that all officers of this village perform all their duties, and to preserve order; and to that end he shall be chief of police, and the police constables and all extra policemen or night watchmen shall be subject to and obey all his orders and directions.

office and
duties.

§ 2. The clerk shall hold his office for two years. It shall be his duty to attend all meetings of the people on the business of the corporation; to attend all meetings of the board of trustees; to record all their proceedings, and, in case of appointment or nomination of any officer, to record such appointment. He shall also record all bonds of officers of the village, at length, including the justification and approval indorsed thereon. He shall also enter at length all resolutions and ordinances adopted by said board, and all resolutions, ordinances and by-laws, when duly entered by said clerk, shall take effect and be considered as duly approved by the president. It shall also be his duty to keep all books, deeds, records and writings belonging to the corporation, and deliver the same to his successor, on demand, and to perform any other duties that the board of trustees may by by-law or otherwise require.

Clerk, his
term of
office and
duties.

Books,
deeds, &c.

§ 3. The treasurer, before entering upon his official duties, shall execute a bond to the corporation in such reasonable sum, and with such sureties as shall be approved by the trustees, conditioned that he will faithfully perform the duties of his office, and account for and pay over according to law all moneys belonging to the corporation that shall come into his hands. He shall receive all moneys directed to be paid into the treasury and shall pay out the same from the proper fund on the warrant or order of the presiding officer of the board of trustees, countersigned by the clerk. At each monthly meeting he shall exhibit an account showing the state of the treasury, and the several sums of money received and paid out by him during the preceding month; he shall deliver to his successor in office, on receiving five days' notice to that effect, all moneys, books, vouchers and papers appertaining to his office. If the treasurer elect shall neglect or refuse to give the bond required by this section, within five days after written notice to do so, his office shall be deemed vacant.

Treasurer, his
official
bond.

His duties.

Neglect to
give bond
vacates
office.

§ 4. The street commissioner shall hold his office during the pleasure of the board of trustees. His salary or pay shall be fixed by the board of trustees. It shall be his duty to see that the streets and public parks of the village are kept in good repair and free of all obstructions; that all ordinances and by-laws with regard to the streets and public parks are duly enforced and obeyed. Subject to the directions of the board of trustees, he shall superintend and see that all work upon the streets of this village is properly done, and that all employees working upon such streets do their duty; and he shall perform such other duties as the board of trustees may direct.

Street
commissioner, his
salary and
duties.

§ 5. The assessor shall make out and deliver to the board of trustees valuations of estates, real and personal, assessments and assessment rolls, with apportionment of taxes annexed thereto, whenever he shall be required by the trustees to do so, and as herein provided; and, in making such assessment, he shall be guided by the same principles of valuation as are prescribed by law for town assessors.

Assessor,
his duties.

§ 6. The fire wardens, sexton, attorney, wood inspector and all other officers shall perform such duties as shall be required of them by the board of trustees, or by the by-laws of this corporation. Their salary, pay or fees, and the mode of payment and collection of the same, shall be fixed by the board of trustees.

Fire wardens, &c.
Salary.

Officers
of fire de-
partment,
how
chosen.

§ 7. All officers of the fire department shall be chosen by the board of trustees, or in such manner as they may by by-law direct. Their term of office shall be at the pleasure of the board of trustees, or for such term as they may by by-law prescribe. There shall be a chief engineer of the fire department and one or more assistants, a fireman and engineer for each steam fire-engine company, a foreman for each other fire or hook and ladder company, and such additional or other officers as the by-laws shall prescribe. The board of trustees shall determine whether the officers or members of the fire department shall be paid or not, and if paid, what amount and how they shall be paid; but all proposed expenses of the fire department must be submitted to and voted upon at the village tax meeting.

Board of
trustees to
determine
whether
they shall
be paid.

Terms of
office.

Appoint-
ive offices.

Board of
trustees to
fix time in
each year
for ap-
point-
ment, &c.,
of officers.

Failure
to appoint
or elect.

Powers of
officers at
fires.

May com-
pel person
to aid.
Penalty
for diso-
bedience.

Term of
office,
when to
commence.

§ 8. All officers of this corporation shall hold their offices, respectively, unless sooner removed or disqualified, until their successors are chosen and duly qualify. The board of trustees shall have power to make all necessary appointments, to fill any and all appointive offices provided for by this act, immediately after the same becomes a law; and the person or persons so appointed shall each, respectively, discharge the duties of such office or offices until such time as the trustees shall by by-law fix for the annual appointment of officers, and until their successors shall be appointed and qualify. The board of trustees shall by by-law fix a time in each year for the appointment or election of all officers to be by them appointed or elected under this act. Any and all person or persons appointed or elected as officers of said village by the board of trustees as herein provided, shall, except as above provided, hold office for the term of one year and until his or their successors are respectively elected or appointed and duly qualified to act, subject at all times to removal by the board of trustees as by this act provided. Should said trustees, for any reason, fail or omit to make the annual appointment or election of officers to be by them made, on the day fixed therefor, the same may in that case, be done at any subsequent meeting of the board of trustees.

§ 9. The president of said village, the trustees and police constables, special police, chief engineer of the fire department and his assistants, and each of them, shall have power to keep away from the vicinity of any fire all idle and suspicious persons, and to compel all persons to aid in the extinguishment of fires and the preservation of property exposed to damage thereat; and any person or persons who shall disobey the reasonable order of said officers, or either of them, shall forfeit, for the use of the village, ten dollars for each offense, to be recovered as other penalties imposed by this act, and such person or persons shall be deemed disorderly persons within the meaning of this act, and shall be liable to be dealt with accordingly.

§ 10. Every officer appointed by the board of trustees shall enter upon the discharge of his duties, and his term of office shall commence, on the Monday next after the date of his appointment, and he shall receive a proper warrant or commission under the village seal, duly signed by the clerk.

TITLE V.

A justice
of the
peace and
constable
of the
town to
be ap-
pointed to
serve as

SECTION 1. The board of trustees shall appoint one of the justices of the peace of the town of Seneca Falls, residing within the corporate limits of said village, police justice thereof, and shall also appoint two or more police constables. Such police justice and constables shall hold their offices respectively for the term of one year, or for such shorter term as the board may fix at the time of any such appointment; but

the board of trustees shall have power to remove either or all such officers at any time, and to fill any vacancy which, by reason of death, removal, resignation or otherwise, occurs at any time thereafter.

§ 2. Such police justice shall have exclusive jurisdiction, except as herein provided, in all criminal matters arising under the charter, by-laws or ordinances of said village, in addition to his powers, authority and jurisdiction as a justice of the peace of said town. He shall have power, in cases of persons brought before him charged with being disorderly persons, within the meaning of this act, to proceed summarily, and without a jury to try such persons, and hear and determine the charges alleged against them. He shall, in all things relating to the mode and manner of procedure in his court, or in the arraignment or trial or examination of parties accused, be governed by the same laws and rules as justices of the peace or courts of special sessions. In case any person shall be found guilty of any such acts or offenses as constitute him a disorderly person, within the meaning of this act, the police justice shall impose upon him a fine not exceeding fifty dollars, and to stand committed as by this charter provided; or the police justice may punish by imprisonment in the common jail of the county of Seneca for a term not exceeding one hundred days, or both such fine and imprisonment.

Justice and police constable.

Jurisdiction of police justice.

Proceedings in case of disorderly persons.

Mode of procedure.

Disorderly persons, how punished.

§ 3. The police justice shall keep a full and correct record of all proceedings before him as such police justice, in which shall be entered all judgments he may render, all fines imposed, and whether collected, and if so, when and how, and all proceedings of every kind had before him as such officer. He shall collect and receive all costs, fees, fines and allowances and penalties as by this act provided, and that may be imposed or received by him to enforce this charter or any by-law or ordinance of said village, and his costs shall be the same as the costs and fees of a justice of the peace of the town, or a court of special sessions, for similar services, and the costs and fees to be charged and allowed in his court shall be the same as charged and allowed in said courts. On or before the tenth day of each month the police justice shall make and return to the clerk of this village, in such form as the board of trustees shall prescribe, a sworn tabular statement of all such fees, fines and allowances and penalties imposed or received by him, either directly or indirectly, during the last month preceding, and with it the receipt of the treasurer of this village showing that he has paid into the village treasury the amount of all such fees, fines, penalties and allowances (less the amount of his taxable costs and fees and the costs and fees of any constable who may be entitled to the same in any case), as shown by such statement, for the benefit of the village; and any omission to render such statement and pay over such fines, penalties and allowances, or any part thereof, on or before the twentieth day of each month, or any false statement, or any omission to set out, in such statement, any portion of such fines, penalties, costs, fees or allowances received by him, shall be sufficient cause for removal of said police justice from office, and it shall be the duty of the board, in case such omissions or false statements or any of them are intentional, to forthwith remove such police justice from office.

Police justice to keep a record.

To receive fines, &c.

His costs.

To make statement of fees, &c., monthly.

Receipt.

Cause of removal.

§ 4. The police justice shall, in all cases where practicable and lawful, collect and receive his costs and fees with and as a part of his judgment, in addition to any fine, forfeiture or penalty in each case, according to the existing provisions of law and as herein provided. He may also, once in six months, make out an account of all criminal matters and proceedings, such account to extend over a period of six months,

Police justice to collect costs, &c., as part of judgment.

Account of fees not a town or county charge.

Trustees to audit and pay. Proviso.

Amount to be paid.

or if six months shall not elapse from the date of his last account or his appointment to the close of his term, then for such shorter time, which were instituted and had for their object exclusively, the enforcement of the charter and by-laws of this village, and which are not such as could be made town or county charges according to the existing provisions of law, and in which he shall not have received any fines, penalties, fees, costs or charges or compensation whatever, and shall present such account, duly verified, to the board of trustees of said village, who shall audit and pay such bill, or so much thereof as said board shall deem proper and allowable; provided, however, no such bill shall be audited or paid unless the same shall be presented within one year from the time that the services and each of them therein stated were rendered, and the amount to be paid to said police justice on said account or bill shall not, at any time, exceed the amount or sums of money which were paid by him to the village treasurer during the six months, or the time covered by his said account for fines and penalties imposed and collected by him, exclusive of all receipts and payments in civil cases or proceedings, and after deducting all costs and fees of town constables and "acting police justices," which are a charge against said village for services, in and for such police court, during said same six months, or period of time covered by said account. All fines, penalties and judgments collected by any "acting police justice," in criminal matters or proceedings, and paid to the treasurer of said village, shall be considered, for the purposes of this section, as though paid to such treasurer by said police justice.

In case of absence, &c., of police justice, any justice of the peace of the town may exercise his powers.

Police justice to issue subpoenas.

Disobedience thereto. How served.

Witnesses to be examined as to supposed offense.

Complaint without probable cause.

Docket.

§ 5. In case of the temporary absence or inability of said police justice to act or perform the duties of his office, the same may be performed by any other justice of the peace of said town of Seneca Falls residing within said corporation, who shall, in acting as such police justice, have all the powers and jurisdiction and be subject to all the duties and requirements which are vested in and imposed upon such police justice by this act, and who shall render a like account and be entitled to the same fees, to be obtained in the same manner as said police justice.

§ 6. It shall be the duty of the police justice, whenever requested by the trustees or by the president of the village, to issue subpoenas or a subpoena requiring any person or persons to appear before him to give evidence upon a complaint or charge for an offense committed or supposed to have been committed in said village, and said subpoena shall have like effect and force, and disobedience thereto shall be punished the same as if issued in an action pending before such police justice. Such subpoena may be served by any police officer or town constable residing in said village, and no witness upon whom such subpoena shall be served shall be entitled to receive any fees. Upon the return of such subpoena the police justice shall examine the witness or witnesses so produced, on oath, in relation to the supposed offense, and if it shall appear that an offense has been committed, he shall proceed thereon in the same manner as though such witness had voluntarily made complaint before him.

§ 7. Whenever, in the opinion of the police justice, a complaint shall have been made without probable cause, he may impose the costs and expenses of the proceedings upon the complainant, and enforce the collection thereof as in other cases. The docket of the police justice shall contain a record of all the proceedings had by him in the case of every offender brought before him; and all convictions and judgments made by him shall be with costs, and his said docket shall be open to public inspection at all times during office hours.

§ 8. Nothing in this act contained shall be construed as abridging or in any manner affecting either the civil or criminal powers or jurisdiction of any justice of the peace of the town of Seneca Falls, in or as to any matters heretofore cognizable by them or any of them. Said justices of the peace of said town shall, after the passage and enactment of this charter, have and exercise within said town and village the same powers and jurisdiction as justices of the peace of towns, as heretofore, in addition to what may be conferred upon them by this act.

Jurisdiction of justices of the town not abridged.

§ 9. The board of trustees shall determine and fix, by by-law, the days and hours of the day when the police justice's office shall be open for the transaction of business, but nothing in this section or in such by-law shall be construed as affecting the validity of any or all business done or proceedings had by or before such court at or upon any other day or hour or time in the day.

Office of police justice to be open at certain times.

§ 10. To enforce the payment of any fine imposed by this charter or the by-laws or ordinances of this village, in addition to other powers, the police justice shall have power to commit the person fined for a number of days certain, not exceeding the number of dollars of the fine, to the Seneca county jail, or to any jail or place of confinement that may be erected or provided in this village; provided, however, any person so committed may be transferred to a penitentiary in another county of this State, in the cases and manner now provided by law.

Commitment for non-payment of fines.

When acting in his official capacity the police justice shall, in issuing process, affix to his name the title "police justice," and any other justice of the peace of said town while acting as and for the police justice, shall add to his official title "acting as police justice." Any justice of the peace of said town, whenever he shall perform any services as police justice, shall render to the board of trustees the same monthly and six-monthly account and statement as required of the police justice.

Proviso.

Official title to be used.

Monthly account by justice.

§ 11. The police constables shall possess the same powers and perform the same duties within said village, in criminal matters and proceedings, as town constables in the town of Seneca Falls, but said police officers are not to serve or execute any process in any civil action within said village or elsewhere, except as herein by this act provided. It shall also be the duty of such police constables to obey such orders and directions for the enforcement of this charter and the village by-laws, as they may from time to time receive from the police justice, trustees or president of the village regarding their duties; to report to the police justice or president all violations of the ordinances, by-laws and the provisions of this act, with the names and residences of witnesses; to preserve the public peace; to attend all public assemblages in said village, and to preserve order and public peace thereat, to be vigilant for the prevention and discovery of crime and the detection of criminals; to report to the police justice or president all crimes and offenses committed in the village; to arrest, with or without process, all persons in the actual commission of crimes, misdemeanors or breaches of the public peace, and all vagrants and disorderly persons within the meaning of this act or the existing provisions of law; to execute criminal process issued by the police justice or a justice acting as police justice; and such police justice or acting police justice may deliver criminal process to such police officers or to any town constable of said town of Seneca Falls, to be executed, and it shall, in such case, be lawful for, and the duty of, such officer or constable to whom such process is delivered, to execute the same. It shall also be the duty of the police officers to report to the president or police justice all suspicious persons, houses of ill-fame, gambling houses, disorderly houses, and all places where idlers, tipplers, &c.

Police constable, his powers and duties.

To obey orders of police justices, trustees, or president.

To report violations of ordinances, &c.

Arrests.

To execute process.

Town constable.

To report suspicious persons, &c.

gamblers or other disorderly or suspicious persons may frequent or congregate, and perform such other duties as the president or trustees of the village may prescribe or direct.

Compensation of police constables and special police.

Fees of town constables.

§ 12. The police constables appointed under this act shall not receive, or be entitled to receive, any fees whatever for any services rendered by them, but shall in lieu thereof receive such compensation as shall be fixed by the board of trustees. All special police appointed under this act shall receive such compensation as shall be fixed by the board of trustees. Town constables shall receive the same fees for executing process issued by the police justice or his substitute as are now or may hereafter be fixed by existing law for the same or similar services, and such town constable shall be entitled to receive his fees from the costs paid in any suit or proceeding, and when such costs are not paid in any action or proceedings, any such town constable shall be entitled to receive his fees from the said village upon rendering an account therefor, at the same time and in like manner with the said police justice.

What officers may make arrests.

Persons arrested to be taken before police justice.

Proceedings.

Arrest on Sunday or in night time, proceedings thereon.

Proviso.

Town constable.

§ 13. The president and trustees, each and every one of them, and the police constables and special police appointed by said board, shall each and all respectively have power, and are hereby authorized, at any and all times, to arrest or cause to be arrested, with or without process, all vagrant or disorderly persons, or any person or persons who may be found by them committing any crime, misdemeanor or breach of the peace, or violating any of the ordinances or by-laws of said village, or of the provisions of this act, and shall have power, while in pursuit of any such person, to enter or cause to be entered, with or without process, any building or place in said village. Any person arrested at any time, by any of the officers or persons in this section mentioned shall, if such arrest is made during such hours or times as the board of trustees shall direct the police justice office to be kept open, be taken before the police justice or acting police justice forthwith, or within a reasonable time, not exceeding twenty-four hours, except as hereinafter provided, for trial or examination; and if the offender shall, by reason of drunkenness or from any other cause, be not in proper condition for trial or examination, the magistrate may direct him to be put and kept in the station-house or lock-up in said village for a reasonable time, not to exceed twenty-four hours, except as hereinafter provided, and to be again brought before the justice to be dealt with according to law; and the police officers, or other officers or persons mentioned in this section, shall in all respects execute such orders or directions of such police or acting police justice, and such order or directions may be verbal. And if any such arrests or arrest shall be made on a Sunday, or at night or any time when the said police court is not directed to be kept open, or if it shall not be practicable to bring such offender at once before the police court, the officer making such arrest or said police constables, or either of them may, with or without process, put the person so arrested in the lock-up or station house of said village and may keep him there for a time not exceeding twenty-four hours; and within said twenty-four hours, the police officers, special police or trustees, or any or either of them shall, with or without process, take such person or persons from the lock-up or station-house, and bring them or any of them, before the police justice or the acting police justice, for trial; provided, however, when such arrest shall be made on a day or night next prior to a Sunday, the time during which the offender may be detained in the lock-up, and within which he shall be brought before the police justice or other justice, may be forty-eight hours, instead of twenty-four hours. The police justice may authorize any town constable of said town to bring

any offender from said lock-up or station-house, before him; but such authority shall, in all cases, be in writing and signed by said justice, and shall be issued only in case of absence or inability to act of said police officers.

§ 14. The president shall have power, whenever the public interests shall require, to appoint special police, who shall hold their office, by virtue of such appointment, for such period as the president or board of trustees shall direct; such special police shall take the oath of office, and shall, thereupon, become invested with all the powers, and shall discharge all the duties of police constables under this act and in pursuance of the statutes, as they may be directed by the president or other competent authority. The number of special police which may at any time be appointed shall be determined by the board of trustees.

Special police, president may appoint.

Their powers and duties.

Number of.

§ 15. All persons who shall be intoxicated in any street, park, alley or public place or assembly in said village, and all persons who shall, by noisy, tumultuous or riotous conduct, disturb the people or any public assembly; and all persons who shall have incited or induced dogs to fight, or be engaged in exciting or causing them to fight, in any street or public place in the village; and all persons who shall fight on any street or public square in the village and all persons who shall, by blowing horns, hallooing or otherwise make loud noises, tending to disturb the quiet of the people or any public assembly, without just cause; and all persons who shall break or injure any awning or awning-post, or any public lamp or lamp-post, and shall willfully, and for the purpose of disturbance or mischief, give or create any false alarm of fire; or remove from or pile up before any door, boxes, casks or other things for the purpose of annoyance or mischief; and all persons who shall willfully throw ink, or other liquid, or any missile or thing upon or against any building in the village, or through any window thereof, or who shall unlawfully or maliciously disturb or interfere with any building or property in said village; and any person who shall willfully break, injure or deface any fence, trees, shrubbery or ornamental thing in the village; and all boys or other persons who shall use vulgar, profane or obscene language, at* or throw stones, balls of ice or snow, or other missiles at any person or persons, who are in, or passing orderly and peacefully along any of the streets or public places in said village, and all persons who shall, at any time, attempt to or hinder, molest, impede or, in any manner, interfere with any police officer or other person authorized by this act to make arrests, when such officer or other person has in his charge or under arrest, or is attempting to arrest, any person or persons within said village, or when such officer or person is in the lawful discharge of his duties, are hereby declared disorderly persons, and may be proceeded against according to the provisions of this act. Persons charged with any of the offenses specified in this section, which is by the existing law a crime or misdemeanor, may be proceeded against before the police justice according to the present provisions of law or as herein provided.

Disorderly persons defined.

Misdemeanors.

TITLE VI.

SECTION 1. The annual tax meeting of the tax-payers of the village of Seneca Falls shall be held on the third Monday of March of each year, commencing at two o'clock, P. M. At least two weeks before said meeting, the board of trustees shall carefully examine into and determine the amount of money that will be needed for properly carrying out the provisions of this charter, and to carry on the village govern-

Annual meeting of tax payers, when to be held.

Trustees to make estimate

* So in original.

of expenditures. ment for the next year, and shall make a tabular statement of such amount, and of the separate purpose and object for which such expenditure is calculated to be made, stating such object or purpose and the amount needed therefor. They shall also carefully examine the streets of said village, and shall determine and fix upon an aggregate amount that, in their judgment, will be needed, over and above the sum of four thousand dollars hereinafter provided for, to keep said streets in good repair for the next year. The board of trustees shall have power to levy and assess in each year, for street expenses a total amount, not exceeding four thousand dollars, exclusive of the sum which may be recommended and voted at the annual tax meeting for such purpose.

Extra amount for street purposes. The board of trustees shall also prepare a statement of the money on hand at the commencement of the previous year (as stated in the account of the year previous to that, as cash on hand), of all moneys received by them under any by-law, or in any way in or by virtue of their official capacity, and the sources from which received, of all moneys expended by them, and the objects for which expended, and showing the balance on hand on the last day of January previous to such tax meeting. Said last statement of receipts and expenditures shall be signed by a majority of the board of trustees and verified under oath or affirmation by the clerk and treasurer to be correct. They shall publish both such statements in the village papers at least one week before said meeting, and shall, in connection therewith and at the same time, state the place where, within said corporation, said annual tax meeting shall be held.

Statement of moneys received, &c. The meeting may vote a tax for any of the objects specified in said report of the board of trustees, published, and shall vote upon all expenditures proposed by the board of trustees. After all the proposed expenditures of the board of trustees, as published, are voted upon, then the tax meeting may vote upon any other proposed expenditure, for any particular object proposed, provided notice of said proposed expenditure be given in the village papers, as herein required of the board of trustees.

Statement to be verified. The trustees are empowered and authorized to raise money by tax to pay all contingent and stated expenses of this corporation, and also to carry into effect the several powers and privileges granted by this act, but no tax (except for street expenses, as herein provided for) shall be levied or collected until or unless the same shall have been authorized by a vote of the taxable inhabitants at the annual tax meeting, or at a special tax meeting of the taxable inhabitants, called for the purpose of authorizing the assessment and collection of taxes; but no vote at such special meeting shall be deemed an authority unless it affirmatively appears that tax payers representing one-half of the taxable real estate of the village, owned by the resident tax-payers, were present and voted in the affirmative. And the said contingent and stated expenses shall be presented to such tax meeting in items specifically, and shall be voted on item by item. And no contingent expenses not thus voted upon shall be collected, and no part of the money voted for any one purpose can be used for any other; and, if not used as voted, shall remain as part of the unexpended balance in the treasury, and reported as such. But the amount of taxes to be raised in any one year, over and above street expenses, salaries fixed by this charter or by by-laws, and expenses of erection of public buildings, shall not exceed ten thousand dollars. Any balance in the treasury of this village, not expended for the purposes voted, may be disposed of and applied to other purposes by a vote of the annual tax meeting.

To be published. § 2. No person shall be qualified or permitted to vote upon any tax for street expenses, or upon any other tax or appropriation, who shall

What meeting shall vote upon.

Trustees may raise money by tax.

Vote necessary.

Proviso as to vote at special meeting.

Money raised for one purpose not to be used for another.

Amount of taxes in any one year.

Qualifications of voters.

not appear, upon the last annual assessment roll, to have been assessed for real or personal property, or who shall not, at the time of such tax meeting, be the owner of real estate within such village, and have been, for more than thirty days next prior to such tax meeting, an actual resident of said village.

§ 3. Whenever any tax shall have been voted to be raised, as herein provided, the assessor shall apportion the same among the taxable inhabitants of the corporation and non-resident owners of property therein, and corporate bodies therein, in just proportions, according to the last assessment roll, or according to a new one, when thereunto required; and a new assessment roll shall be made at least once in each year. Each male inhabitant of the village of lawful age shall be assessed the sum of one dollar as a poll tax, to be levied and collected as other taxes, in addition to any other tax assessed to him. And the assessor may add to the tax to be assessed against any person who shall have refused or neglected to pay his tax of any former year the amount of his or her tax so unpaid. The assessor shall give at least ten days' notice, by publication in the village papers, of the time and place at which the assessment roll will be reviewed. When the assessment roll shall have been reviewed, corrected and completed the same shall be delivered to the president of the village, with the certificate of the assessor, signed by him, annexed thereto. The trustees shall annex to such list their warrant, signed by a majority of them, and then deliver the same to the treasurer, who shall thereupon proceed to collect the several sums specified therein, in the manner herein provided, within such time as shall be prescribed in said warrant, which warrant may be renewed from time* and as often and for such length of time at each renewal as the trustees shall deem best, and the treasurer shall, by virtue of any such renewal, have all the powers and authority and rights which are obtained by the original warrant.

Assessor to apportion tax.

New assessment roll.

Poll tax.

Unpaid tax.

Notice to revise roll.

Assessment roll to be delivered to the president.

Warrant.

Renewal thereof.

§ 4. The trustees are authorized to call meetings of the electors, other than those herein directed, whenever they deem such meetings necessary for any purpose; and it shall be their duty to call such meetings at any time when they shall be requested in writing to do so by any six inhabitants of the corporation who shall be liable to pay taxes; and the trustees shall give notice of such meetings, in like manner as is directed for the annual election of officers of the corporation. The notice of every special meeting of the tax-payers of this village shall specify the objects for which it is called, and nothing can be done thereat unless thus specified in said notice.

Trustees may call meetings of electors.

Notice thereof.

§ 5. The treasurer shall collect all moneys ordered to be raised by tax, as specified in any tax list furnished to him by the trustees, and make a correct account and return thereof, according to such warrant. He shall have such powers as belong to collectors of town taxes, and as herein provided, and on receiving any warrant for the collection of taxes, he shall, immediately thereafter, cause notice of the reception thereof to be published in each of the newspapers published, once in each week, within said village; and shall designate in such notice a convenient place in such village where such warrant will be left for forty-five days, from a day to be named, and where said taxes will be received during that time; and any person may pay his taxes at such place, and to such treasurer, or to the person authorized by him to receive the same, within the first thirty of said forty-five days, on paying one per cent. fees thereon, and within the remaining fifteen days, on paying two per cent.

Treasurer to collect.

His powers.

To give notice of time and place of receiving taxes.

* So in original.

His fees. fees thereon; but every such treasurer shall be entitled to receive, in addition to the tax, five cents fees on every amount of tax, where the whole amount of tax shall be less than one dollar. After the expiration of the said forty-five days, it shall be the duty of such treasurer to proceed and collect the unpaid taxes as is by this act provided and directed, or he may collect such taxes in the same manner as unpaid taxes in the town are collected; but he shall have power to appoint, by an appointment in writing, signed by him, any constable within said village to collect the same, and for whose acts said treasurer and his sureties shall be responsible; and such treasurer, or constable so appointed by him, shall have all the powers and duties that are, by this charter, provided and prescribed, and also such as belong to collectors in the several towns, and shall be entitled to collect, as fees, of each person of whom they shall have to collect any such unpaid taxes, the sum of ten cents for travel fees, in addition to the five per cent. fees now provided by law for collectors of towns. All persons within said village shall be liable to taxation for village and ward purposes, except ministers of the gospel now exempt by law and such firemen as may be exempt by the law of the State and the provisions of this act and the ordinances of the village; and all "military tax" collected within said village, of residents thereof, by any collector, shall be paid into the village treasury for the support of the police in said village.

May appoint constable to collect taxes.

**Addition-
al fees.**

Exemption.

Military tax.

Trustees may sell real estate for unpaid taxes.

Mode of proceeding.

To whom to be sold.

Redemption.

Certificate of sale, when to be deliv.

§ 6. Whenever any person or corporation, upon whose real estate a tax or assessment shall be imposed or assessed in pursuance of this act, shall refuse or neglect to pay the same within the life of the warrant issued for the collection thereof, and there shall be no sufficient personal property of such person or corporation found within the limits of said village, whereof the same can be levied or collected, the treasurer holding such warrant shall make return thereof, under oath, subscribed by him, to the trustees, who are thereupon hereby authorized to cause the real estate on which such tax or assessment was imposed or assessed, to be sold at public auction, for a term of time, for the payment of such tax or assessment, giving six week's notice of such sale in a newspaper published in the village of Seneca Falls, and serving personal notice on the owner of such real estate, if he be a resident of said village, and if not a resident, then by serving notice by mail on such owner, if his place of residence be known to said trustees, and also by giving the like notice to the occupant of the premises, if occupied by a tenant or other person. And the said real estate shall be sold to the person who will offer to take the same for the shortest term for the payment of such tax and assessment, with interest thereon from the date of the warrant, and the fees and expense of publication and service of such notice or notices. But the owner, his agents or assigns, may, within one year after such sale, redeem the same, by paying or tendering to the purchaser, or his legal representative, or to the treasurer of the village, the amount of the bid at such sale, with interest at the rate of seven per cent. per annum; and all the provisions of the act entitled "An act authorizing mortgagees to redeem real estate sold for taxes and assessments," passed May fourteenth, eighteen hundred and forty, shall apply to any such sale; and any mortgagee of such premises, or any part thereof, shall have the benefit of said act; and the notice required to be given by the second section of said act shall not be given until after the time limited for the owner or his assignee to redeem.

§ 7. When any real estate shall be sold for the collection of any tax or assessment, and the owner thereof, his agents, heirs or assigns, shall not, within one year thereafter, have paid or tendered to the purchaser

thereof, or his legal representatives, or to the treasurer of the village, the amount of the bid on such sale, and the same shall not have been redeemed by any mortgagee of such real estate within three months after the expiration of one year, as above provided, with interest at the rate of twelve per cent. per annum from and after the time of such sale, the trustees shall deliver to the purchaser, his heirs or assigns, a certificate of such sale, under the seal of the village, and signed by the president and clerk, the execution whereof may be proved and acknowledged in the same manner as a deed of real estate, and which may in like manner and with like effect be recorded as other conveyances of real estate.

ered to purchaser.

§ 8. The purchaser at any such sale, on receiving such certificate, or his executor, administrator, or assigns, may immediately enter into possession of such real estate, and hold, occupy and enjoy during the time for which it was sold, as aforesaid; and such certificate shall, in all courts and places, be held presumptive evidence of the right of such purchaser, his heirs or assigns, to the possession of such premises, during the time as against the owners, or those claiming under them, and all the buildings put on the premises during such term by the purchaser, his heirs or assigns, may be removed at or before the expiration thereof. If any person having or claiming possession shall, on demand of the purchaser or holder of such certificate, refuse to yield possession of said premises thus sold, or any portion thereof, such purchaser or holder of said certificate shall be entitled to the same remedy to recover such possession as is by law provided for the removal of tenants holding over after the expiration of their terms.

Purchaser may take possession, &c.

Removal of buildings. Remedy, when possession is withheld.

§ 9. It shall be the duty of the clerk, in all cases of such sale, to make one entry of the same in the minutes of said board, with a description of the property sold, the amount for which the same was sold, the length of term or time and the name of the purchaser, and the time of, and the amount paid for the redemption, in case the same shall be redeemed.

Clerk to make entry of sale.

§ 10. In addition to the modes of collection of taxes herein provided, the board of trustees, or the treasurer, may bring an action for any tax in the name of this corporation against the persons assessed or the owner of the land taxed in any court of this State having civil jurisdiction in the county of Seneca. All the modes provided by the charter for the collection of taxes and assessments are hereby declared to be concurrent remedies, but only one can be used at one time, although each may be used in succession. One may be discontinued and another adopted at any time, but only one bill of costs shall be collected from the tax-payer. All such judgments and all moneys received by the board of trustees or treasurer, in the collection of unpaid taxes, shall be immediately paid into the village treasury, and shall belong to said village.

Action may be brought to collect tax.

Concurrent remedies.

Costs.

TITLE VII.

SECTION 1. The trustees shall be commissioners of highways, and are vested with and authorized to exercise and perform, within the bounds of the corporation, the same rights, powers and duties as are possessed and exercised by the commissioners of highways in the several towns; and they are authorized and empowered to lay out, alter and open or discontinue any street in any part of the corporation, of such width and in such place as they shall deem necessary and proper, and may provide for and direct the raising, grading, leveling, paving, repairing, mending, planking, macadamizing and cleaning any street in the corporation,

Trustees to be commissioners of highways within corporation.

Their powers as to streets.

No street to be laid out except upon petition, &c.

Laying of street through houses, &c.

The taking of private property.

Notice, its contents.

Application for appointment of commissioners.

Hearing of application. Duties of commissioners.

Notice.

What damages to be awarded.

Buildings on lands taken.

subject to the provisions of this act and as herein prescribed. But no street shall be laid out or altered, except upon the petition of twelve freeholders of the corporation, none of whom shall be in any way interested in the lands proposed to be taken for such street. The territory contained within the bounds of said village shall be exempt from the supervision of commissioners of highways in the town of Seneca Falls. The trustees may lay out any street through any lands, and by the unanimous vote of all the trustees in office, through any building, garden, orchard or inclosure in said village.

§ 2. Whenever any street, alley, lane or public ground is laid out, altered, widened or straightened by virtue of this act, or any local improvement is made, under and by virtue of this act, which requires that private property shall be taken for public purposes, the board of trustees shall, in the first instance, and before making such improvement, give notice of their intention to take and appropriate the land necessary therefor, and to make such improvement, by publishing such notice, specifying, as near as may be, the lands to be taken, in one or more of the village papers, which notice shall also notify the owners of such lands that at any time within three weeks from the date of such publication, they may file with the clerk of said village their claim or claims for damage, by reason of such improvement, and that application will be made to the county court of Seneca county for the appointment of three commissioners residing in said village, to ascertain the damages so claimed, and to assess the expense of such improvement, or so much thereof as may be proper, upon the lands and premises to be benefited thereby; which notice shall also specify the improvement to be made, the time when and place where such application will be made. At the time and place so specified, the board of trustees, by such person as they shall designate, shall make application to the said court for the appointment of such commissioners, and said claimants shall have the right to be heard thereon. The said court shall thereupon, by a rule to be entered in the clerk's office of Seneca county, appoint said three commissioners to ascertain and assess the damages so claimed, and at the same time to determine what persons will be benefited by such improvement, and to assess the damages and expenses thereof, or such portion thereof as they shall deem just, upon the persons so benefited, in proportion, as near as may be, to the benefit resulting to each. The hearing of such application may be adjourned from time to time by such court. The commissioners shall be sworn by any person authorized to administer oaths, to faithfully and impartially execute their duty in making such assessments. They shall view the premises, receive any proper evidence and may adjourn from day to day. They shall, before entering upon their duties, give notice to said claimants of the time and place of their meeting at least five days before such meeting, by publishing such notice in one or more of the village papers. They shall determine and award to the owner or owners of such land so claiming damages, such damages as will, in their opinion, be sustained by such owner or owners by the completion of the improvements, after making due allowance for any benefit which said owner or owners may derive therefrom. They shall, at the same time, assess and apportion the said damages and expenses of such improvement, or such portion thereof as they shall deem just, on the real estate benefited thereby, as nearly as may be, in proportion to the benefits resulting thereto, and shall briefly describe the real estate on which any assessment is made by them. If there be any buildings on the land taken for such improvement, the value of such buildings to move

shall be ascertained in their assessment, and the owner thereof may remove the same in ten days, or in such other time as the board of trustees shall allow, after the confirmation of the return of the commissioners. If the owner shall so remove said building, the value thereof, so ascertained, shall be deducted from the damages so awarded to him. The determination and assessment of the commissioners, signed by them, shall be returned by them to the trustees within thirty days after their appointment. The said court may, if sufficient objections are made to the appointment of said commissioners, or if any of said commissioners shall refuse or be unable to serve, appoint others in their places, in the manner above provided, and the board of trustees, after the determination and assessment of the commissioners is returned to them, shall give two weeks' notice, in one or more of the village papers, that the same will, on a day specified in such notice, be considered and acted upon by such board. Any person interested may be heard before the board of trustees touching the matter, on the day specified in such notice, or on such other days as the board of trustees shall appoint, and shall file their objections to such determination and assessment in writing with the clerk, on or before the first day of hearing. The board of trustees shall either confirm such determination and assessment, or annul the same and refer the same matter back to the same commissioners, or other commissioners, to be appointed by such court, for the like purpose; and thirty days additional time shall, in such case, be allowed for filing the commissioners' determination and assessment. The commissioners shall proceed in all things in making and returning the second assessment, as in making and returning the first assessment, and the said trustees shall proceed therein as though it were an original assessment. In case the board of trustees shall confirm the second assessment and determination, the same shall be final and conclusive on all persons interested, except as herein provided; but, in case the board of trustees shall annul the same, then all proceedings in relation thereto shall be null and void; but nothing herein contained shall authorize the board to open, discontinue or contract any street or highway, or any part thereof, without the consent, in writing, of two-thirds of all persons owning lands adjoining thereto. On final confirmation of the report and assessment, the same, together with a copy thereof, shall be filed with the village clerk and in the Seneca county clerk's office.

Assessment to be returned to trustees.

Notice that it will be acted upon.

Interested party may be heard.

Board of trustees to confirm or annul.

Second assessment.

When final.

Consent of owners.

§ 3. In all cases where the whole or greater part of any real estate, subject to any lease other than a lease for the life of any person, shall be taken by the board of trustees under this title, all the covenants and stipulation contained in such lease shall, upon final confirmation of the assessment thereof, cease, determine and be absolutely discharged.

Taking of lands subject to lease.

§ 4. If any such assessment or determination of the commissioners be confirmed, the trustees shall forthwith give notice of such confirmation to all persons who shall have filed objections thereto, by personal service upon such objectors as can be found within said village, and by mail upon all others. Within ten days after the service of such notice, or at any time within fifteen days from the confirmation of said assessment, any person who shall have filed objections, as aforesaid, or any other person who shall consider himself aggrieved by such determination or assessment, may appeal from the same and from the confirmation thereof, to the county court of Seneca county, anything hereinbefore to the contrary notwithstanding, by filing with the clerk of said village, and serving on each of said commissioners, personally or by leaving the same at his usual place of residence, a notice of such appeal, stating the

Notice of confirmation.

Appeal to county court.

Notice of appeal.

grounds thereof. Said appeal shall operate as a stay of all proceedings under said assessment until the hearing and decision thereof, and no private property shall be taken or improvement commenced under the provisions of this title until after the expiration of time herein limited for appealing. The said commissioners, or a majority of them, shall, within ten days after such service on them, return to the county court of Seneca county, and file with the clerk thereof a full return of all evidence taken and proceedings had before them, and the reasons for their decisions. The said village clerk shall, also, in like manner, and within the same time, return the report of said commissioners, and all proceedings had thereon by the board of trustees, or a certified copy of the same. Such commissioners and clerk, or either of them, may be compelled to make or amend their respective returns in the same manner as justices of the peace, on appeal from their judgments. Said appeal may be brought on for trial by either party, at any time, before said county court, on notice of ten days, and shall be heard and determined by said court without a jury, upon the said determination and assessment, the returns of said commissioners and clerk, and the notice of appeal. But said court may, in case any party to such appeal show that he could not, by due diligence, have procured the attendance of any witness, or the production of any legal testimony before said commissioners, but not otherwise, on the hearing of said appeal, examine such further witnesses and receive such further evidence as any party may thus show he could not have procured, as may be produced by either party, and in such case any party to said appeal may answer such evidence thus admitted. Such court may set aside, affirm or modify such assessment and determination, in such manner as it may deem proper, and the determination of said county court thereupon shall be final. Said county court shall at all times be open to hear all matters of which it has jurisdiction by this act. The said commissioners shall each be entitled to receive two dollars per day while actually engaged in all proceedings by or before them. Said per diem allowance for all proceedings by and before them prior to said appeal shall be paid by the said village, and such per diem allowance for all proceedings by or before them, subsequent to said appeal, shall be paid by said appellant or said village, as said county court shall order and direct.

§ 5. All expenses and damages for taking private property in opening streets, or making any other public improvement, as assessed and determined by this charter, or as agreed upon by the owners with the board of trustees, excepting and deducting therefrom such portion of such expenses and damages as shall be assessed upon and collected from the property benefited, or from the owners thereof, shall be collected by tax and shall be included in and considered as street expenses.

§ 6. On any appeal from the determination and assessment of said commissioners and the confirmation thereof, the county court shall also have jurisdiction to examine and determine, in such manner as said court may order, whether or not all the provisions and requirements of this act for opening any street, or making any improvement which shall require taking private property, have been fully and fairly carried out and fulfilled by the board of trustees or other officer of this village, or other person, and on such hearing may set aside any such proceeding, or order such further proceedings to be taken to perfect the same, as to such court may seem just and proper, and, unless such proceedings thus ordered are taken as prescribed, such proceedings shall be void.

§ 7. When the amount of any damages for taking lands as aforesaid shall be ascertained by a final confirmation of the report and assess-

Stay of
proceed-
ings.

Return on
appeal.

Return, or
amend-
ment
thereof.

Trial, no-
tice there-
of.

Further
witnesses,
&c.

Decision
on appeal.

Compen-
sation of
commis-
sioners.

By whom
to be paid.

Damages
to be col-
lected by
tax.

Jurisdi-
ction of
court on
appeal.

May set
aside pro-
ceeding or
order fur-
ther pro-
ceedings.
Payment
of dama-
ges, when

ment of the commissioners, the board of trustees shall, within one year to be thereafter, pay or tender the amount of such damages to the owners of lands and tenements to whom the same shall have been allowed, and in case such owners shall refuse the same, or be unknown, non-residents of the village, infants, lunatics, or the rights and interest of the persons claiming the same shall, in the opinion of the board of trustees, be doubtful, it shall, in such case, be lawful for the board of trustees to pay the amount of damages to the county treasurer of the county of Seneca, accompanied by a statement of the facts and circumstances under which such payment is made, and describing the lands and tenements taken by the village, for which such damages have been awarded. Until such damages shall be so paid, it shall not be lawful for the board of trustees to take or enter upon such lands or tenements, for the taking of which any such damages shall be allowed.

made.

Unknown and non-resident owners.

§ 8. Whenever any proceedings shall have been had under section one of this title, and the commissioners appointed as therein specified shall have made their estimate and assessment, and the same shall have been confirmed by the board of trustees, if it shall then appear from such report that assessments for benefits are made against the owners of property therein, such assessments, from the date of the confirmation of such report, shall be a lien upon the lands in respect to which such assessment had been made, having preference over all other liens and incumbrances whatever, and such assessment shall be collected, in all respects, as provided in the sixth title of this act for the collection of the assessments therein specified, or as provided for the collection of assessments in this title.

Assessments for benefits, a first lien.

How collected.

§ 9. All expenses of opening or laying out, paving, repairing, improving and cleaning the streets shall be denominated street expenses, and shall be paid by a tax on the whole village, as herein provided, except in case of opening or laying out or paving streets or making sewers therein, where the board of trustees assess a portion of the cost of the same upon the owners of the property particularly benefited, and in such cases all expenses, other than that portion thus assessed on the owners of the particularly benefited property shall be included in and paid as street expenses; but in the case of making sewers no more than one-fourth part of the aggregate of the whole amount of the expense thereof shall be assessed upon or collected of the whole village, and at least three-fourths of such aggregate expense shall in all cases be assessed against and collected of the persons and property to be particularly benefited by such sewer.

Street expenses, what, and how paid.

Exception.

In case of sewers, what part of expenses to be assessed upon village, &c.

§ 10. The board of trustees shall have power to make sewers in any public streets in said village whenever they shall deem it proper and necessary, and to assess the expenditure, or at least three-fourths thereof, as in section nine of this title; provided, upon the lots and premises particularly benefited thereby, when, and only when, the owners of said lots and premises of at least one-half in value thus proposed to be assessed, or persons who are willing and liable to pay at least one-half of such assessment, shall consent, in writing, to the same, which consent, thus signed, shall be filed and entered on the records of the village before any such improvement shall be made. Whenever it is proposed to improve any street or portion thereof, by paving the same with stone, iron, wood or other hard substance, or by building any public sewer through the same, the board of trustees shall have power to determine, by a resolution to be entered in the minutes of its proceedings, what part or portion of the expenses of any such improvement shall be

Sewers, and assessments therefor.

Consent of owners.

Pave ments and sewers, trustees to determine part of expenses to be assessed.

Certificate thereof.	assessed on any real estate or lot which they shall deem will be particularly benefited by such expenditure and improvement. Whenever they shall make any such determination in relation to particular benefits, they shall make a certificate thereof and file the same with the clerk, who shall enter the same in the minutes of the proceedings of the board ;
Contents of certificate.	such certificate shall specify what real estate or lot is so benefited, the name of the occupant or owner thereof, if known, the amount of such benefit, and a brief description of the real estate or lot on which the amount of such benefit is chargeable, which amount shall be a lien thereon, and may be recovered by the village in an action brought therefor against the owner or any occupant of said real estate or lot, together with costs and interest from the date of filing such certificate. If the said amount or benefit shall not be paid, or the owner of said real estate or lot shall be a non-resident, the trustees shall proceed to sell the same and collect said amount thereby, together with the interest, costs and charges of sale, in the manner directed by title six of this act to collect a tax by sale of real estate, or such amount may be enforced and collected, as by section twelve of this title provided. The board of trustees shall have the same powers and be subject to the same restrictions and conditions in paving any street in said village with stone, iron, wood or other hard substance, as by sections nine and ten of this title is provided in making public sewers ; but in the case of paving, as above stated, it shall be lawful for the board of trustees to levy and collect not to exceed one-half of the whole expense upon the whole village, and it shall be their duty to assess and collect in all cases at least one-half of such expenses against and of the persons and property benefited thereby.
Assessment, a lien, and may be recovered by action. Sale of premises benefited.	
Powers of trustees to pave streets.	
Expense of paving, how to be assessed.	
Sidewalks, grading thereof, &c.	§ 11. The trustees of said village shall have power to cause the sidewalks on the streets and highways within the said village, or any or either of them, or any part thereof, to be graded, leveled, raised, amended, graveled, stoned, paved, flagged, curbed, planked and repaired, and to compel the owners or occupants of any lots or lands adjoining such streets or highways to make such improvements upon the sidewalks as aforesaid, in front of or adjoining said lands or lots, and to determine and prescribe the manner of doing the same, and the materials to be used therein, and the quality of such materials ; and for the purpose of carrying into effect the foregoing provisions of this section, the said trustees shall cause to be served an order or notice, in writing or printed, or in part both, to be signed by the clerk of said village, upon either the owner or occupant of such land or lot, in case said owner or occupant resides in said village, and if neither said owner or occupant are residents of said village, then said order or notice shall be served by posting the same in three public places in said village and placing the same in some conspicuous place on said lot, describing, particularly, the improvement to be made, the manner in which the same is ordered to be done, and the materials which shall be used, and the quantity thereof, if they deem proper, and setting forth the time in which the same shall be completed. And in case the said improvement shall not be made and completed within the time and in the manner prescribed in such order or notice, the said trustees may cause such improvement to be made or completed, in the manner specified in such order or notice, and the expenses thereof, with ten per cent. thereon, may be by them assessed on such lots, respectively, and shall be a lien thereon, and may be collected as in this charter provided.
Notice.	
How served.	
Its contents.	
Trustees may make the improvement.	
Expenses thereof.	
Sidewalks to be kept free from	It shall be the duty of the owner or occupant of any land or lots adjoining any street or highway in said village, at all times, and without service on such owner or occupant, of any notice or order, to keep

the sidewalks on the streets and highways within said village, in front of or adjoining said land or lots, at all times, free and clear of snow, ice or other materials, and in good repair; and in case any owner or occupant shall neglect so to do, it shall be the duty of said trustees forthwith to cause the same to be done, the expenses whereof, with ten per cent. thereon, may be by them assessed on such lots, respectively, and shall be a lien thereon, and may be collected as in this charter provided.

snow, ice,
&c.

Trustees
may cause
same to be
done.

§ 12. In the collection of all assessments made in opening streets or in making other public improvements, or made for paving any street or portion thereof, or building of public sewers therein, or made for making, paving, grading, repairing or keeping clean any sidewalk, as in this charter provided, the board of trustees may enforce the lien thereof on any premises by sale, as provided for the collection of unpaid taxes, or may bring an action for the same, adding all percentage allowed by this act, in any court of this State having jurisdiction, or may prosecute for the same before the police justice of this corporation, and shall be entitled to all the remedies and process in said action or before said police justice, as is provided in this act for the collection of unpaid taxes, or they may include the amount of such assessment in next tax list against the person so assessed, and such remedies may be resorted to in the same manner as is provided herein in the collection or enforcement of unpaid taxes. Or the said assessment may be enforced and collected by a warrant to be issued by the trustees, or a majority thereof, to the treasurer of the village, made returnable in ninety days, commanding the treasurer to collect or make the amount required of the goods and chattels of the person or persons so in default, and for the want of personal property whereon to levy to make the same, then to sell at public auction the real estate or so much thereof as shall be sufficient to satisfy said claim or assessment and the treasurer's fee, which shall be the same as that of a sheriff selling real estate, under an execution. When real estate shall be sold under the authority of this section, by warrant of the board of trustees aforesaid, notice of such sale shall be published, for at least three weeks, in one of the village papers, and posted in three conspicuous places within said village (one of which notices shall be posted upon or placed in a conspicuous place upon the premises proposed to be sold), for at least three weeks before such sale. It shall be the duty of the board of trustees, before issuing their warrant, as by this section provided, in case said owners or occupants, or either or any of them, shall fail to make or complete the improvement, as directed, or to pay the amount or assessment, as required, to cause an affidavit or affidavits to be made by the proper person or persons, of the due service of said order or notice or assessment or determination upon the owner or owners or occupants of the lands proposed to be sold, of the said default, and of the expense in completing and making the same, and such affidavit or affidavits shall be filed with the village clerk, and shall be by him entered in full upon the records of said village; and such record, or a duly certified copy thereof, shall, in all courts and places, be presumptive evidence of the facts therein stated, and may be given in evidence in any action or proceeding growing out of any act done under the authority of this section.

Lien for
assessment
may be enforced
by sale
of the premises.

Or assessment
may be collected
by action.

Or included
in next tax
list.

Warrant
to treasurer.

Treasurer
may sell
real
estate.

Notice of
sale.

Affidavit
of service
of order,
&c.

To be
filed and
recorded.

§ 13. The board of trustees shall cause such of the streets, public lanes, alleys, highways and public squares in said village, or any parts thereof as shall have been heretofore laid out, but not recorded or sufficiently described, and such as shall have been used for twenty years, but

Record of
streets,
&c.

not recorded, to be ascertained, described and entered on record in a book to be kept by the clerk of the said village.

Street commissioner to superintend work.
His accounts, how audited and paid.
Vouchers.

§ 14. The working, paving, improving, cleaning and repairing the streets shall be performed under the superintendence of the street commissioner, who shall be always subject to the direction of the trustees in the discharge of his official duties, and no account for the expenditure on the streets shall be paid until the same shall be audited by the board of trustees, and a warrant or order drawn therefor on the treasury by the president, countersigned by the clerk, and all payments shall be made upon, and account accompanied by vouchers, to be furnished by the street commissioner, which shall contain the name of the person, and the service or other thing for which the payment is to be made, and which shall be duly verified by said street commissioner.

The word street defined.

§ 15. The word "street," as used in this act, shall be deemed to comprehend all parks, public squares, highways, bridges, streets, lanes and alleys within the corporation.

TITLE VIII.

Trustees to audit claims against corporation.

SECTION 1. The board of trustees shall audit and pass upon all claims and demands against this corporation, and may allow the whole or any part of any claim, or disallow it entirely, as herein provided. No claim or demand shall be allowed or audited unless the money to pay the same shall have been voted by the village meeting, or unless the board of trustees shall have power under this charter to raise a tax for such purpose without such vote; and no claim or demand shall be paid unless audited and allowed, as by this charter provided.

Warrant for payment of audited claim.

§ 2. Upon the auditing of claims against said village by the board of trustees, a warrant for the amount thereof shall be drawn upon the treasurer, to be signed by the acting president, and countersigned by the clerk, which shall be paid by the treasurer and filed in his office; but no account or claim against such village shall be paid until it shall have been presented to the trustees thereof, and audited and allowed by them.

Claim to be made out in items.
Verification thereof.

§ 3. No such account or claim shall be audited or allowed by the trustees unless it shall be made out in items, and shall be accompanied with an affidavit of the person claiming to have done the services or made the disbursements therein charged; that the several items of such account or claim are correct; that the services therein charged have been rendered; that the disbursements therein charged have been made, and that no part thereof has been paid. Such affidavit shall be annexed to or indorsed on such account or claim, and preserved therewith. The president or trustee presiding when such account or claim shall be presented to the trustees, or the village clerk may administer the oath required by this section; and the trustees, president or clerk, or either of them, may examine the claimant on oath as to any items embraced in such account or claim.

Who may administer oath.

§ 4. Nothing in the last preceding section shall be construed to prevent the trustees from disallowing any account or claim, in whole or in part, when so made out and verified, nor from requiring other or further evidence of the correctness and reasonableness thereof.

Trustees may disallow claim, &c.
Claims to be numbered, &c.

§ 5. Every account or claim against such village presented to the trustees in any year shall be numbered from number one upward, in the order in which it shall be presented, and a memorandum of the time of presenting the same, and the name of the person in whose favor it shall be made out, shall be entered in the records of the proceedings of the trustees.

§ 6. Every warrant drawn by the trustees to pay any account or claim shall refer to such account by its number, and the name of the person in whose favor it was made out; and a memorandum of such reference, and of the amount of the warrant, shall be entered in such records before such warrant shall be delivered to the claimant.

Warrant shall refer to account, &c.

§ 7. No payment shall be made by the treasurer from any money belonging to said village, except upon the warrant of the president or acting president, countersigned by the clerk, and specifying the fund from which it is payable; and when such warrant shall be paid, the treasurer shall file and keep the same as his voucher.

No payment to be made except upon warrant.

§ 8. If any member of the board of trustees, or other officer of this village shall, in any way, assume to create a debt, or incur any liability on account of or against this village, or to appropriate or pay any money, or to use or apply any property or thing of value belonging to this village, for any purpose, or in any manner whatsoever, contrary to the provisions of this charter, he shall be deemed guilty of a misdemeanor, and be proceeded against as provided by the Revised Statutes of this State, and he shall also be personally liable to any person injured for such debt, or property, or thing of value thus misapplied, or for any debt or liability thus attempted to be incurred, and he shall, in like manner, be personally liable to this village for any amount of such debt or liability that it shall, for any reason, pay or assume to pay, and for any property or thing of value thus misapplied, or for any damages that may accrue to said village by reason thereof. Any person thus injured, or this village, may prosecute for any violation of this section in any court having civil jurisdiction in the county of Seneca.

What acts, by trustees or other officers, are a misdemeanor.

Personal liability.

TITLE IX.

SECTION 1. No person shall be deemed incompetent as judge, juror, justice, witness, sheriff or constable, in any suit, cause or proceeding, in which the corporation shall be a party, by reason of his being an inhabitant of the said village.

Competency of judge, &c.

§ 2. No person entitled to vote at any election held under this act shall be arrested on any civil process within the said village, on the day on which such election is held.

Exemption from arrest.

§ 3. No debt shall be incurred or created by the said village, by the trustees, or by any other officer thereof in their official capacity; nor shall the trustees, or any one or more of them, or any other officer of the corporation, be interested in any job or contract to which the said corporation shall be a party; nor shall any expenditure be made or incurred until the money or tax for that specific object shall have been voted except and as herein directed; nor shall the credit of the said corporation or its bonds or other obligations be loaned to any individual or to any other corporation; nor shall the corporation hereby created subscribe to or take stock as a corporate body in any work, project or enterprise or company, or corporation, whatever, except as herein provided, or as provided by the statutes or laws of this State.

No debt to be created.

Trustee, or other officer, not to be interested in contract.

§ 4. All moneys which shall be collected on account of taxes, or received for licenses, fines, penalties or forfeitures under this act, shall belong to said corporation, and shall be paid into the treasury thereof, excepting the fees and costs of collection, as hereinbefore provided.

Taxes, licenses, &c., to be paid to treasurer.

§ 5. The offices of overseers of highways, and also all assessments of highway labor to be paid in work within the corporation, are abolished.

Offices, &c., abolished.

Town collector to pay certain moneys into the village treasury.

§ 6. The collector of the town of Seneca Falls shall pay into the treasury of the village of Seneca Falls three-fourths of all sums of money raised by or received by said town in each year, for repairing or constructing bridges in said town, or for the payment for such repairs or construction, and the same shall be expended, under the direction of the board of trustees, in repairing or building bridges and the approaches thereto in said village, and for no other purpose, unless by a vote of the village tax meeting.

Animals not to run at large.

Penalty therefor.

Animals may be seized.

§ 7. It shall be unlawful for any cattle, horses, swine, sheep, geese or other animal to run or be at large upon any of the streets of this village, or to go upon any of the public parks, cemeteries or other public grounds thereof. Any owner of such animal or animals, suffering or permitting the same to be so at large, shall be liable to a penalty of five dollars for each offense, which may be sued for in the name of and for the benefit of said village. And every such animal found at large upon any of the streets, lanes, parks, cemeteries or other public grounds or places of said village, shall be liable to be seized and disposed of as provided by the laws of the State of New York, to prevent animals from running at large in the public highways.

Trustee not to be interested in contract, &c.

§ 8. No member of the board of trustees shall in any way, either directly or indirectly, be interested in any contract with this corporation, or in any work done or to be done for this corporation, by its officers, employees, or otherwise, except to see that such contract is faithfully carried out by all parties, and that such work is honestly done, and no other officer of this corporation (except members of the fire department, or extra police, or night watch, who hold no other village office) shall in any manner or way, either directly or indirectly, be pecuniarily interested in any contract, or in any work done or to be done for this village, nor beyond his fees, salary or pay allowed or authorized by this charter, shall he in any way receive any benefit or emolument therefrom, except as above stated. Any member of the board of trustees, or other officers who shall violate the provisions of this section, or any of them, shall be guilty of a misdemeanor, triable by the police justice or any court of criminal jurisdiction in Seneca county, on the complaint of any inhabitant of this village, such crime to be punished as provided by the Revised Statutes of this State for misdemeanors.

No emoluments, except fees.

Penalty for violation of this section.

Penalty for not delivering to successor property, &c.

§ 9. If any person, having been an officer in said village, shall not, within ten days after such notification and request, deliver to his successor in office, or to the board of trustees, all the property, papers, books and effects of every description in his possession, or under his control, belonging to the said village or appertaining to his office, he shall forfeit and pay, for the use of the village, fifty dollars, besides all damages caused by his neglect or refusal to deliver.

Oaths.

§ 10. The president of the village and clerk shall have power to administer any oath authorized and required to be taken by this act, except where it is specially provided otherwise by this act.

Licenses, &c., may be executed by president or clerk.

Suits for penalty, &c., may be brought in name of corporation.

§ 11. All licenses, drafts, instruments or papers to be executed as the acts of the village, or in the transaction of its business affairs, except as otherwise provided by this act, may be executed by the president or clerk of said village under the corporate seal.

§ 12. All suits brought for the recovery of any fine, penalty or forfeiture, prescribed by the laws of this State, by this act, or by any ordinance or by-law made by virtue thereof, may be brought in the name of said corporation, and the pleadings and proceedings shall be the same as prescribed by the Code of Procedure of this State; either

party may give this act, the said by-laws, and any special matter in evidence, and the party in whose favor judgment shall be rendered shall recover costs and have execution of such judgment in like manner as in other cases, unless otherwise as in this act provided. Evidence.
Costs.

§ 13. In all proceedings in any court when there are infants or other incompetent persons, owners, whose property is affected by such proceedings, such court shall appoint guardians ad litem to protect their interest, with the usual powers and subject to all the duties of guardians ad litem in ordinary suits. Guardian
ad litem.

§ 14. On demand of any member of the board of trustees, the vote of such board on any matter shall be taken by yeas and nays, to be included in the minutes and entered upon the records. Yeas and
nays.

§ 15. All entries in the journal, record or proceedings of said board of trustees, or entries made or required to be made by the clerk, in any manner pertaining to the business or matters of said village, or any of its officers, or copies thereof, duly certified by the clerk and having the corporate seal thereto annexed, shall, for every purpose, be presumptive evidence of the facts therein stated. Entries,
records,
&c., or
certified
copies
thereof,
evidence.

§ 16. The clerk of the village shall make and sign an entry or record, in a book to be provided for that purpose, of every ordinance and by-law enacted by the board of trustees, and of the time of publication thereof; and the said record, or a copy thereof, certified by the clerk of the village, shall be presumptive evidence in all courts and places of the due passage and approval of such ordinances and by-laws, and of their having been duly published. Copies of any papers duly filed in the office of the clerk of the village, and transcripts from the records of the proceedings of the board of trustees, certified by him under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced. Ordinan-
ces and
by-laws,
to be re-
corded.

Evidence.

Certified
copies and
trans-
cripts.

§ 17. Every member of the fire department shall, so long as he shall remain such member, be exempt from serving on juries in any court, and from serving in any militia, excepting in case of invasion or insurrection, and a certificate of such service in the fire department, with a copy of this section, authenticated by the signature of the president and the seal of the corporation, shall be legal evidence before all courts and officers, civil and military, of such exemption. Exemption
from
jury
service.

§ 18. Any inhabitant of this village who shall, at the time of any fire, refuse to obey the order of the president or chief engineer, or any person who shall, at the time of any fire, be guilty of any mutinous or disorderly conduct, or who shall attempt to excite mutiny, disorder or insubordination in others, or who shall obstruct or attempt to obstruct the operation of the fire department, or any members thereof, in the proper execution of their duties, or the orders of the proper officers, or who shall interfere with the engines, hose or other property of this village, unless requested by some proper officer to do so, shall, for each offense, forfeit such penalty as shall be prescribed by the by-laws, not exceeding fifty dollars, and shall also be deemed disorderly persons within the meaning of this act. Penalty
for muti-
nous or
disorderly
conduct
at fires.

§ 19. It shall be unlawful for any person or persons to erect, use or maintain, or procure or permit to be erected, used or maintained, any slaughter-house within the said village, without first having obtained a written permission or license from the said board of trustees, signed by the clerk and attested by the village seal. Such license or permission shall designate the place where such slaughter-house shall be located and the manner in which it shall be kept, and shall be revokable at the pleasure of the board, but when it is proposed to revoke such license or License
for slaugh-
ter houses.

Revoca-
tion there-
of.

Notice. permission, at least thirty days' previous notice thereof shall be given, which notice shall be personally served upon the owner or person in charge of such slaughter-house, and in case no such owner or person in charge can be found, then such service may be made by posting the said notice in a conspicuous place upon said slaughter-house.

Nuisance. Every slaughter-house erected, used or maintained within said corporate limits, contrary to the provisions of this section, is hereby declared to be a public nuisance, and the said board of trustees are hereby authorized and empowered to enter upon any lands or premises in said village where the same is situated, and abate the same or cause it to be done.

Penalty. Every person violating the provisions of this section shall forfeit to said village the penalty of five dollars for each day that such slaughter-house shall be used or maintained in said village contrary to the provisions of this section; such penalty to be sued for and recovered in the name of and for the benefit of said village.

Officers elected at last charter election. § 20. The several persons elected at the last charter election in said village shall hold and discharge the duties of the offices to which they were severally elected for and during the term for which they were so elected, the same as though this act had not been passed; and the several persons who have been appointed to any office in said village shall continue to hold and perform the duties of such offices respectively, for and during the time for which they were so appointed, unless the person so elected or appointed shall be removed; and the provisions of this act shall be applicable to all the officers of said village so elected or appointed.

Repeal. § 21. From and after the passage of this act all former acts relating to said village of Seneca Falls, as a corporation, and which are charters of the same, or amendments of such charters, are hereby repealed. But such repeal shall not affect any right vested or established, or any suit, proceeding or prosecution had or commenced previous to the passage of this act; but every such right, suit or proceeding shall remain as valid and effectual as if such previous acts had remained in force; and all estates, real and personal, vested in or belonging to the village of Seneca Falls, when this act shall take effect shall continue to be vested in and belong to said village.

Village property.

§ 22. This act shall be deemed a public act, and the legislature may, at any time, repeal, modify, amend or alter the same.

§ 23. This act shall take effect immediately.

Chap. 219.

AN ACT authorizing Erminda O. Goodwin to continue a ferry across Seneca lake.

Passed April 21, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Ferry from North Hector to Starkey.

SECTION 1. It shall be lawful for Erminda O. Goodwin, her heirs and assigns, to establish, maintain and continue a ferry across the Seneca lake, at the place known as North Hector, in the county of Schuyler, on the east side of Seneca lake, to, and between the place commonly known as Starkey landing, in the town of Starkey, in the county of Yates, on the west side of said lake, for the term of twenty years from the passage of this act.

Term of franchise.

§ 2. The said Erminda O. Goodwin, her heirs and assigns, shall, at all times, keep and maintain a good, sufficient and convenient ferry-boat or boats, for the safe conveyance of passengers and their baggage, horses, carriages, cattle, goods and chattels, between the places mentioned in section one of this act, and shall supply or furnish the said ferry-boat or boats at all reasonable times, with skillful persons to attend, navigate and work the same.

Mainten-
ance of
ferry-
boats.

§ 3. If the owner or owners or keepers of said ferry shall willfully neglect or refuse at proper times to transport or ferry across said lake, between the places mentioned in section one of this act, any person or persons, their baggage, horses, carriages, cattle, goods or chattels, proper for ferriage, or shall unnecessarily hinder or delay any person in crossing said ferry, said owner or owners, or keepers, shall forfeit the sum of ten dollars to such person aggrieved.

Penalty
for neg-
lect or
refusal to
ferry.

§ 4. The said Erminda O. Goodwin, her heirs and assigns, shall be entitled to charge and receive for ferriage across the said lake, at the following rates: For every carriage or other vehicle with two horses, accompanied by not more than four persons, one dollar, and for each person more than four, twenty-five cents; for every carriage or other vehicle with one horse, accompanied by not more than two persons, seventy-five cents, and for each person more than two, twenty-five cents; for a sulky and one horse, seventy-five cents; for each head of cattle, or horse, in addition to those mentioned above, twenty-five cents; for every head of sheep or swine, in droves of not less than fifty, five cents; in droves of not less than twenty nor more than fifty, seven cents; in droves of not less than ten nor more than twenty, ten cents; in droves of not less than ten, fifteen cents; for every foot passenger, twenty-five cents.

Rates of
ferriage.

§ 5. If any higher rate of ferriage than is herein prescribed shall be taken by the said Erminda O. Goodwin, her heirs or assigns, or any person or persons in her or their employ, the person offending shall forfeit and pay to the injured party the sum of five dollars.

Penalty
for taking
excessive
ferriage.

§ 6. If any person or persons shall transport across said lake any person, horse, carriage or other vehicle, chattel, package, or any head of cattle, sheep or swine, between the places mentioned in section one of this act, or within a distance of not exceeding three miles north or south of a right line connecting said places, except as hereinafter provided, such person or persons first mentioned in this section shall forfeit and pay to such party as may own such ferry, at the time of such offense, the sum of five dollars for each and every person, horse, carriage, chattel, package and head of cattle, sheep or swine so transported across said lake. The provisions of this section shall not apply to steamboats making regular trips up and down Seneca lake, and nothing herein contained shall prevent any person from crossing said lake in his own boat, or transporting his own property within the bounds aforesaid.

Penal-
ty for
infringe-
ment of
franchise.

§ 7. The person or persons entitled to the penalties or forfeitures mentioned in sections three, five and six of this act may sue for and recover the same before any justice of the peace, or magistrate having cognizance thereof.

Rights of
steam
boats.

Penalties
in what
courts re-
covered.

§ 8. The legislature may at any time alter, or amend or repeal this act.

Chap. 220.

AN ACT to amend an act entitled "An act authorizing and providing for the election of a police justice and a police constable in the village of Addison in the county of Steuben, and for the erection of a jail or lock-up therein," passed March second, eighteen hundred and sixty-eight.

Passed April 21, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section two of chapter eighteen of the laws of eighteen hundred and sixty-eight, entitled "An act authorizing and providing for the election of a police justice and a police constable of the village of Addison in the county of Steuben, and for the erection of a jail or lock-up therein," passed March second, eighteen hundred and sixty-eight, is hereby amended so as to read as follows:

Jurisdiction of police justice. To keep an office. Fees. § 2. The police justice shall have jurisdiction to hear complaints and to conduct examinations in criminal cases arising in the town of Addison, and to try criminal cases arising in said town as a court of special sessions, and shall keep his office in the village of Addison for the transaction of business, and shall be entitled to the same fees as justices of the peace for the same services.

§ 2. Section three of said act is hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 221.

AN ACT to authorize the construction and use of a railroad from the Thirty-fourth street ferry to the Ninety-second street ferry, in Long Island City, and through certain streets and avenues in the fourth ward of said city.

Passed April 21, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Railroad, construction authorized. Rate of fare. Termini and route. SECTION 1. Henry G. Sillick, Jr., C. O. Hubball, H. N. Sherwood, Gilbert Palmer, Charles Powell, A. Gallatin Stevens, Peter G. Van Alst, William Bridge, J. D. Smedley, Jonathan Peck, Sylvester Gray, John McAloney, Stephen Halsey, Jr., Henry Trowbridge, Henry Johnson, and their assigns, are hereby authorized and empowered to lay, construct, operate and use a railroad with a double or single track, to be propelled by horses, and to convey passengers thereon for compensation, which compensation shall not exceed six cents for any one passenger; commencing in Borden avenue, formerly Ferry street, in Hunter's Point, at the eastern boundary of the land owned by the East River Ferry Company, and running thence through Borden avenue aforesaid to Vernon avenue, formerly Central avenue; thence through Vernon avenue to the Boulevard, formerly Sunswick terrace; thence through

the Boulevard to Fulton avenue, formerly Fulton street, and thence through Fulton avenue to the Ninety-second street ferry, in Long Island City; and also through and along such other streets and avenues in the fourth ward of said city as the common council, with the consent first to be had and obtained of the owners of two-thirds in value of the property fronting on such streets and avenues in said fourth ward, may permit, with the privilege of laying all necessary sidings, turnouts, connections and switches, for the proper working and accommodations of the said railroad over and along the routes aforesaid.

Permis-
sion of
common
council
and con-
sent of
owners.

§ 2. Said persons and their associates are hereby required, within one month after the passage of this act, to organize as a corporation under the general railroad act, and such corporation when so formed shall have the powers and be subject to all the provisions of said act not inconsistent herewith, except the following sections, or any amendments thereof, namely, the twenty-seventh, thirty-first, thirty-fourth, thirty-seventh, thirty-eighth, thirty-ninth, fortieth and forty-fourth, and except also as to the number of associates required by the first section of said act. The said corporation shall make an annual report to the State Engineer and Surveyor, in such manner and form as he shall require.

Corpora-
tion, when
and how
to be or-
ganized.

Annual
report.

§ 3. If the said corporation shall not, within six months after its articles of association are filed and recorded in the office of the Secretary of State, begin the construction of its road, and expend thereon ten per cent. on the amount of its capital, or shall not finish the road and put it in operation in one year from the time of filing its articles of association as aforesaid, its corporate existence and powers, and all rights conferred by this act, shall cease.

Construc-
tion of
road,
when to
be begun
and fin-
ished.

Forfeit-
ure.

§ 4. The legislature may repeal or from time to time alter or modify this act.

§ 5. This act shall take effect immediately.

Chap. 222.

AN ACT to amend "An act to authorize the trustees of the village of Flushing to issue bonds and raise money for the purchase of a steam fire-engine, and for the mapping and establishment of lines and grades for the streets and public places in said village," passed April eighteenth, eighteen hundred and seventy-two.

Passed April 21, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of "An act to authorize the trustees of the village of Flushing to issue bonds and raise money for the purchase of a steam fire-engine, and for the mapping and establishment of lines and grades for the streets and public places in said village," passed April eighteenth, eighteen hundred and seventy-two," is hereby amended to read as follows:

§ 3. The said trustees shall have power to locate all the lines of the streets, roads and avenues, and to establish the grades thereof, as well those now laid out as those hereafter to be laid out and opened in said village of Flushing. The said trustees shall designate the said streets,

Location
and grades
of streets,
&c.

Surveys
and maps.

Power of
trustees to
enter upon
lands.

Maps,
how
authen-
ticated.

Where to
be filed.

Trustees
to divide
village
into sec-
tions.

Perma-
nent plan
of streets,
&c.

Grade of
streets,
&c.

Expenses,
how to be
paid.

roads and avenues of such width, extent, direction and grade as to them shall seem most conducive to the public good; and shall place suitable monuments, wherever they shall deem it necessary, to show the true location and grade of any street, road or avenue so laid out by them. They shall cause a survey or surveys to be made of said village, and shall first cause two maps to be prepared, which shall accurately show the lines of all such streets, roads and avenues, as well those now laid out as those to be designated by said trustees for future laying out and opening, as above provided, their width and distance from each other, and also the location of any and all such monuments placed as before said. For the purpose of carrying out of the provisions of this section it shall* lawful for the said trustees and the persons acting under their authority to enter into and upon any land, tenement or hereditament which they shall deem necessary to be surveyed or entered upon for that object. Such trustees, or a majority of them, shall, by a certificate signed and acknowledged by them, or a majority of them, before any officer authorized to take acknowledgment of deeds, authenticate the said maps as those made in pursuance of the provisions of this act, and shall file one thereof in the office of the clerk of Queens county and the other thereof in the office of the clerk of the said village of Flushing. The said trustees shall also divide the village into such number of sections as to them shall seem most conducive to the public good, and shall cause to be prepared two maps of each of such sections accurately showing the grades of the respective streets, roads or avenues in each of the said sections, as well those now laid out as those designated by said trustees as aforesaid for future laying out. Said two maps shall be authenticated and filed as is provided aforesaid for the authentication and filing of the map showing the lines of the several streets, roads and avenues. And it shall be lawful for the said trustees to combine the several maps showing the lines and the grades respectively of the several streets, roads and avenues as aforesaid, on one map, or to authenticate and file them separately, as may to them seem most advantageous for the public good. And upon the filing of said maps showing the lines of said streets, roads and avenues, it is hereby declared that the said streets, roads and avenues shall form and be the permanent plan for laying out and opening the streets, roads and avenues in said village, and upon the filing of the maps showing the grades of the streets, roads and avenues of any one or more of the sections hereinbefore provided, it is hereby declared to be the permanent and established grade of the streets, roads and avenues of such section or sections, and the lines and grades as established by the filing of the several maps as aforesaid shall not be altered save by resolution of the board of trustees of said village. The expenses of such surveys, maps, monuments and matters connected therewith, not exceeding six thousand dollars, shall be paid out of the money authorized to be borrowed by section one of the original act of which this is an amendment.

§ 2. This act shall take effect immediately.

* So in original.

Chap. 223.

AN ACT for the removal of certain old burial grounds in the village of Amsterdam, Montgomery county.

Passed April 21, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The trustees of the Green Hill Cemetery Association of Amsterdam, in the county of Montgomery, are hereby appointed and constituted commissioners, with full and ample powers to cause the bodies interred in the old burial grounds situate on Market street in said village, adjoining the lands of Thomas Bunn, as the same is now inclosed, to be taken up and removed and properly re-interred in the Green Hill Cemetery in said village, in such lot or lots as the said commissioners shall for that purpose designate or procure; to appraise the value of the aforesaid burial grounds, after the removal of the bodies therefrom, and to sell the same at such appraisal, with privilege to the original owner first, and to execute proper conveyance therefor and to apply the proceeds of such sale, or the moneys arising therefrom, toward defraying the expenses of said removal and re-interment. Trustees may remove and re-inter bodies. Appraisal and sale of grounds. Proceeds.

§ 2. This act shall take effect immediately.

Chap. 224.

AN ACT to repeal chapter four hundred and forty of the laws of eighteen hundred and seventy-three, entitled "An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes," so far as the same relates to the counties of Clinton, Chenango, Seneca, Queens, Orange, Essex, Cayuga, Madison and Steuben.

Passed April 21, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Chapter four hundred and forty of the laws of eighteen hundred and seventy-three, entitled "An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes," passed May eighth, eighteen hundred and seventy-three is hereby repealed so far as the same related to the counties of Clinton, Chenango, Seneca, Queens, Orange, Essex, Cayuga, Madison and Steuben. Repeal.

§ 2. This act shall take effect immediately.

Chap. 225.

AN ACT in relation to the police court and police justice of the sixth police district of the city of New York.

Passed April 21, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Police court of sixth police district, N. Y. city.
Additional police clerk to be appointed.

SECTION 1. All laws applicable to the police courts and police justices of the city of New York shall apply to the police court and police justices of the sixth police district of the said city, and in addition* to the five police clerks now authorized by law to be appointed in and for the city and county of New York, a police clerk shall be appointed in the same manner as such officials are now appointed for the police courts of the said city, and shall be assigned to the sixth police district, and shall be subject to and governed by the same laws and regulations as are applicable to such officials of such other courts.

Police justice of sixth district.

§ 2. The police justice of the said sixth police district shall be a member of the board of police justices, constituted by and under chapter five hundred and thirty-eight of the laws of eighteen hundred and seventy-three.

Repeal.

§ 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 226.

AN ACT in relation to the New York Institution for the Blind.

Passed April 21, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Additional power to take and hold or convey property.

SECTION 1. The New York Institution for the Blind is hereby authorized to take, hold, transfer, and convey, for the purpose of its corporation, in addition to the property now held by it, all such other property, real and personal, as has heretofore been given, devised, bequeathed, subject to all provisions of law relating to devises and bequests, or conveyed to it, or may at any time hereafter be given, devised, bequeathed, or conveyed to it by any person or persons whomsoever, for the sole use of said institution.

§ 2. This act shall take effect immediately.

* So in original.

Chap. 227.

AN ACT to provide for the purchase of a new school-house site and erection of a new school-house thereon, and for the sale of the present school-houses and sites in school district number two of the town of Kinderhook, county of Columbia.

Passed April 21, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of trustees of school district number two of the town of Kinderhook, Columbia county, shall have the power to borrow a sum of money not exceeding six thousand dollars, and to expend the same in purchasing a new school-house site in said district, and in erecting thereon a new school-house for said district, and in furnishing and fitting up the same for school purposes.

§ 2. The said board of trustees and their successors, in their official capacity, shall have the power to issue bonds in such sum or sums as they may deem proper, but not exceeding in amount six thousand dollars (under and within the restrictions hereinafter mentioned), and sell at public sale the same, or any number thereof, to such person or persons, body or bodies corporate, as shall loan the said sum of money, or any part thereof, pledging the faith and credit of the said school district therefor, for the purpose of securing the payment of such sum, or any part thereof, as may be borrowed as aforesaid, together with the interest that may become due thereon, at a rate not to exceed seven per cent. per annum; the principal of said bonds shall be made payable at the rate of one thousand dollars in each year, commencing in the year eighteen hundred and seventy-six. The said bonds shall not be sold for less than par value.

§ 3. The said board of trustees and their successors in office, for the purpose of paying said bonds and the interest that may grow due thereon, are authorized and empowered to raise, by tax upon the taxable property of such school district, such principal and interest as follows, namely: they shall, annually, until the principal and interest of said bonds be fully paid, in addition to such sum as they may be entitled to raise, levy and collect under the statutes of the State of New York relating to common schools, and in the same manner and at the same time as is now provided by said statutes, levy, raise and collect a sum sufficient to pay the interest of all outstanding bonds for the year, and in addition to said sums they shall annually raise the sum of one thousand dollars to pay the principal of the bonds falling due in such year.

§ 4. The said board of trustees and their successors in office shall have the sole power to select and, with the moneys so raised, to purchase such new school-house site, and to select a plan or plans, and to award all contracts for the building of said new school-house, and to furnish and to fit up the same for use, expending the sum of money so to be raised in such proportions for the various purposes above mentioned, as to them shall seem proper. And they and their successors shall have generally sole charge and control of and over the work and proceedings incident to the purchasing said site and the building and

Trustees may borrow money and erect new school-houses.

Bonds.

Sale thereof.

Rate of interest, and how payable.

Tax for payment of bonds.

Trustees to select and purchase site and to award contracts for building, &c.

Work to be done under contract with lowest bidder.

furnishing said school-house. The said work, however, of constructing said new school-house shall be done under and by contract with the lowest bidder or bidders, and sealed proposals for doing all the carpenter's, mason's and painter's work required shall be solicited by advertisement, to be printed, once in each week, in the "Kinderhook Advertiser," for at least four weeks before the awarding of such contracts, and in such other manner as the said board of trustees may think proper. And the said board of trustees, or their successors, may establish such rules or terms in the awarding of such contracts as to them may seem necessary to promote the interest of said school district.

Sale of present school houses and sites.

§ 5. The said board of trustees and their successors shall have the power to sell and dispose of the present school-houses and sites, in and belonging to said district, at public or private sale, upon such terms and conditions as to them shall seem most proper and advantageous, and to execute all needful conveyance therefor, and all moneys and proceeds arising from such sale shall, with the moneys so borrowed, be expended towards the purchase of such new site and the erection, completion and furnishing said new school building hereinbefore provided for.

Proceeds.

Approval of a majority of voters.

§ 6. The said board of trustees and their successors shall take no steps in pursuance of the provisions of this act until the same shall be approved by a majority of voters of said school district number two entitled to vote at school district meetings, voting at a special or annual school district meeting to be called and held by said board of trustees at the present lower public school-house in said district, after giving at least twenty days' notice of such meeting by posting the same in at least six public and conspicuous places in the said school district, and by publication of such notice in the "Kinderhook Advertiser," once a week for two weeks. The said meeting shall be held from the hour of two o'clock in the afternoon until seven o'clock in the evening, during all which time the poll shall be open and shall be conducted in all other respects as now provided by law. The said board of trustees shall provide a box for said meeting in which to receive the ballots herein-after mentioned. The ballots shall contain the words, "In favor of new school-house," or "Opposed to new school-house." If a majority of the ballots cast at such election shall contain the words, "In favor of new school-house," the approval aforesaid shall be considered as given.

Notice of meeting.

Hours of holding meeting.

Ballot-box.

Ballots.

Canvass of ballots.

Record to be kept and filed.

Subsequent elections.

Said ballots, voted as aforesaid, shall be canvassed by the said board of trustees or a majority of its members; and the said board shall keep a record of the proceedings of such meeting, and shall file the same, together with a certificate of the result of such election, in the office of the town clerk of said town, within ten days after such meeting shall be held. In case at the election so held the approval aforesaid shall not be obtained, it shall be lawful for such board of trustees to call and hold subsequent elections within three years after the passage of this act, in all respects to be called and conducted as prescribed for said first election; but no succeeding election shall be held within three months of the time of holding a preceding election under this act.

§ 7. This act shall take effect immediately.

Chap. 228.

AN ACT to release the interest of the people of the State of New York in and to certain land situate in the city of Buffalo, to Gertrude Theile.

Passed April 21, 1874; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The interest of the people of the State of New York, of, Title of the state to lands in Buffalo released. in, and to all that tract or parcel of land situate in the city of Buffalo, Erie county, New York, which was conveyed to Anthony Theile, late of said city of Buffalo, by warranty deed, dated January seventh, eighteen hundred and fifty-nine, recorded in the Erie county clerk's office on the tenth day of January, eighteen hundred and fifty-nine, in liber one hundred and ninety-four of deeds, at page fifteen, is hereby released to and vested in Gertrude Theile, the wife of the late Anthony Theile, deceased, and her heirs and assigns forever, subject to any incumbrance that may be on said land at the date of this act.

§ 2. Nothing herein contained shall be construed to impair, release, Rights of creditors, &c., not impaired. or discharge any right, claim, or interest of any creditor, by mortgage, judgment, or otherwise, or by any heir-at-law, or devisee in said real estate.

§ 3. This act shall take effect immediately.

Chap. 229.

AN ACT to confirm the official acts of Philander H. Wellman, a justice of the peace of the town of Harmony, in the county of Chautauqua.

Passed April 21, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the proceedings that have been had by and before Philander H. Wellman, a justice of the peace of the town of Harmony, in the county of Chautauqua, and all official acts done by him since the first day of January, one thousand eight hundred and seventy-two, shall be held of the same force and validity as if the said Philander H. Wellman had duly taken the oath of office in the manner and within the time prescribed by law. Official acts legalized.

§ 2. The clerk of Chautauqua county is hereby authorized to administer the usual oath to said Wellman, as justice of the peace for the town of Harmony, within twenty days after the passage of this act, and all the liabilities and forfeitures incurred by said Wellman, for having executed any of the duties of the said office of justice of the peace without having taken the oath of office in the manner and within the time prescribed by law, are hereby remitted. Official oath.

§ 3. This act shall not affect the right of any party to any suit or legal proceedings which may have been had or commenced in consequence of the invalidity of any proceedings before the said justice previous to its passage.

§ 4. This act shall take effect immediately.

Chap. 230.

AN ACT to amend an act entitled "An act supplementary to the act entitled 'An act to incorporate the Hebrew Benevolent Society of the city of New York,' passed February second, eighteen hundred and thirty-two," passed April twelfth, eighteen hundred and sixty.

Passed April 21, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section four of the act entitled "An act supplementary to the act entitled 'An act to incorporate the Hebrew Benevolent Society of the city of New York,' passed February second, eighteen hundred and thirty-two," passed April twelfth, eighteen hundred and sixty, is hereby amended so as to read, and the same shall hereafter read, as follows:

<p>Trustees to have the control of certain orphans and indigent children.</p> <p>Proviso.</p> <p>Commitment by courts and magistrates.</p> <p>Trustees may apprentice.</p> <p>Terms and conditions, powers, &c.</p>	<p>§ 4. The trustees, for the time being, of said corporation shall have the sole and exclusive custody and control of the persons of such orphans, half-orphans, or indigent children of the age not exceeding thirteen years, as they may agree to maintain, provide for, educate, and instruct during the minority of such orphans, half-orphans, and indigent children, provided, that in respect to any orphan, its legal guardian or nearest relative, or one of the governors of the almshouse, and in respect to any half-orphans or indigent children, the parents or surviving parent, or legal guardian, shall consent, in writing, to such child being maintained, provided for, educated and instructed by said society, or that such half-orphan or indigent child shall be committed to the care and custody of said society by any court, magistrate, or police justice of the city of New York, in any case where such court, magistrate, or police justice shall acquire jurisdiction under any law of this State; and in such case such court, magistrate, or police justice shall have the like power and authority, with the consent of said trustees, to commit to the care and custody of said corporation as can now be exercised in regard to any other public institution; and the said corporation can, by agreement and transfer from every other institution having the legal custody of any orphan, half-orphan, or indigent children, obtain the care and custody of such child or children in like manner as by such aforesaid consent or commitment, and the said trustees shall have the power and authority, on the arrival of any such orphan, half-orphan or indigent child at the age of thirteen years and upwards, to bind them out to be taught and instructed in some necessary or useful employment, on such terms and restrictions, and to such persons, and upon such conditions as the said trustees may deem proper; and the said corporation is hereby vested, in respect to the persons of all such orphans, half-orphans, and indigent children, with all the powers and authority conferred upon, and shall enjoy the same benefits, and receive for the care, education and maintenance of said orphans, half-orphans, and indigent children the like compensation now paid, and in the same manner as authorized by law, to the New York Juvenile Asylum by the acts passed June thirtieth, eighteen hundred and fifty-one, passed July eighteenth, eighteen hundred and fifty-three, passed April seventeenth, eighteen hundred and fifty-four, and passed March</p>
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thirtieth, eighteen hundred and sixty-six, so far as they are applicable to this section.

§ 2. This act shall take effect immediately.

Chap. 231.

AN ACT for the protection and preservation of fish in that portion of the Wallkill river in the counties of Ulster and Orange.

Passed April 21, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. No person shall at any time take, catch or kill any fish whatsoever in that portion of the Wallkill river or its tributaries lying in the counties of Ulster and Orange, with any net, seine, weir, fyke, trap, gill-net, spear, snare, or any other implement or device whatsoever, except a hook and line. Taking of fish prohibited. Exception.

§ 2. Any person who shall violate, or aid or abet in the violation of the provisions of the preceding section, or incite or procure its violation, shall, for each and every offense, forfeit twenty-five dollars. Penalty.

§ 3. No person shall knowingly sell, or buy, or have in his or her possession any fish caught or taken in violation of the provisions of this act, under a penalty of five dollars for each fish. Selling or buying, &c.

§ 4. All fines or penalties imposed under the provisions of this act may be recovered, with the costs of suit, in the name of "The People of the State of New York," before any justice of the peace in said counties of Ulster and Orange, and such fines, when collected, shall be paid, one-half to the person making the complaint, and the other half to the superintendent of the poor in said counties, and in case of non-payment of such fines or penalties, on rendition of judgment therefor, the defendant or defendants shall be committed to the county jail for a period not less than twenty days. Fines and penalties, how recovered, &c. Imprisonment for non-payment.

§ 5. This act shall take effect immediately.

Chap. 232.

AN ACT in relation to the superior court of Buffalo.

Passed April 21, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The clerk of the superior court of Buffalo shall appoint some proper person as deputy clerk of said court, who shall hold his office during the pleasure of the clerk of said court; and as often as such deputy clerk shall die, resign or be removed from office, or remove from the city of Buffalo, or become incapable of executing the duties of said office, the said clerk shall appoint another deputy in his place. The deputy clerk shall receive a salary of one thousand dollars a year, to be paid quarterly by the county of Erie. Deputy clerk of city of Buffalo to be appointed. His salary.

§ 2. The clerk of the said superior court of Buffalo shall, if the judges of said court deem it necessary for the proper transaction of the business of said court, also appoint some proper and suitable person as Special deputy.

special deputy of said court, who shall hold his office in the same manner and subject to the same restrictions as to removal as the deputy clerk of said court. The compensation of said special deputy clerk shall be paid by the clerk.

His compensation. Appoint-
ment, how
made. § 3. Every such appointment of deputy clerk, and of special deputy clerk, shall be in writing under the hand of the clerk and the seal of said court, and be filed in the office of said clerk.

Duties of
deputy
and special
deputy. § 4. Every person when so appointed to the office of deputy clerk or special deputy clerk of said court shall perform all the duties appertaining to the office of said clerk, under the same circumstances and restrictions as are by law provided in reference to deputy clerks and special deputy clerks of counties, respectively.

Salary of
crier. § 5. The crier of the superior court of Buffalo shall, in lieu of the compensation now received by him, receive an annual salary of one thousand dollars, to be paid quarterly by the city of Buffalo.

§ 6. This act shall take effect immediately.

Chap. 233.

AN ACT to authorize the corporate authorities of the village of Hornellsville to borrow money for purchasing a steam fire-engine and apparatus for the same, and to secure a supply of water therefor.

Passed April 22, 1874 ; three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

President and trustees may borrow money. SECTION 1. The president and trustees of the village of Hornellsville, Steuben county, are hereby authorized to borrow on the credit of said village, such sum of money, not exceeding the sum of ten thousand dollars, as may be necessary for purchasing a steam fire-engine, hose, hose-carts or other suitable apparatus therefor, and to secure a supply of

Bonds. water for said engine by means of wells, cisterns or reservoirs, or by pipes ; and for the money so borrowed the said president and trustees are hereby authorized to issue bonds or certificates of indebtedness in the name of and under the seal of said village, and signed by the president and treasurer thereof, in sums of not less than one hundred dollars each, bearing interest at seven per cent. per annum, payable annually on the first day of July of each year : and such bonds or certificates

Bonds, when to become due. of indebtedness shall be classified and issued so that one-fourth part of the whole amount shall become due on the first day of July, eighteen hundred and seventy-five ; and the balance shall become due in three equal annual installments thereafter, and the money raised or secured

Consent of tax-payers. by the loan or sale of said bonds or certificates of indebtedness, at not less than par, shall be used for purchasing a steam fire engine and apparatus therefor, and to secure a supply of water for the same, and for no other purpose whatever ; provided, however, that the powers and authority conferred by this acts shall only be exercised upon the condition that the consent thereto, in writing, shall first be obtained of tax-payers of said village owning or representing, as agent or otherwise, more than one-half of the taxable property of said village, assessed and appearing upon the assessment roll of said village, for the year eighteen hundred and seventy-three, which consent must be proved or acknowledged in the same manner as conveyances of real estate, and filed with a copy of said assessment roll, certified by the assessors of said village,

in the office of the clerk of Steuben county, and the same or a certified copy thereof shall be evidence of the fact therein contained and certified, and received in any court of this State, and before any judge or justice thereof. Evidence.

§ 2. The trustees of said village shall make due provision by tax in each year for the payment of the principal and interest falling due on said bonds or certificates of indebtedness during such year, and said principal and interest shall be assessed, levied and collected in the same manner as other taxes in said village, and the money when collected, shall be paid to the treasurer of said village, and by him applied to the payment of said bonds or certificates of indebtedness and interest, and to no other purpose whatever. And the said bonds or certificates of indebtedness and interest thereon, shall be made payable at the office of the treasurer of the village of Hornellsville. Tax for payment of bonds.
Where payable.

§ 3. This act shall take effect immediately.

Chap. 234.

AN ACT to amend an act entitled "An act for providing a site for an armory in the city of New York, for the use of the seventh regiment of the national guard of the State of New York."

Passed April 22, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The first section of chapter four hundred and thirty-one, laws of eighteen hundred and seventy-three, entitled "An act for providing a site for an armory in the city of New York, for the use of the seventh regiment of the national guard of the State of New York," passed May seven, eighteen hundred and seventy-three, is hereby amended so as to read as follows:

§ 1. The commissioners of the sinking fund of the city of New York are hereby authorized and required, immediately upon the passage of this act, to lease by due resolution and deed of lease, to the field officers, for the time being, of the seventh regiment of the national guard of the State of New York and their successors in office, acting for said regiment, and for the public purposes of said regiment, the plat of ground bounded by and situated between Sixty-sixth and Sixty-seventh streets and Fourth and Lexington avenues, in the city of New York, the same being a part of the lands or premises belonging to the city of New York. The field officers of said regiment are hereby authorized and empowered to accept said lease and take said site with the same effect as if a body corporate, to be thereafter exclusively held and used for an armory and drill rooms by said regiment. Such lease shall be made substantially in such form as leases of land have heretofore been made by said commissioners for benevolent and charitable purposes, and shall be for a term of twenty-one years, with and at the nominal rental of one dollar per year. Certain lands in N. Y. city to be leased.
Purposes.
Form of lease.

§ 2. The second section of said chapter four hundred and thirty-one of the laws of eighteen hundred and seventy-three, is hereby repealed. Repeal.

§ 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Repeal.

§ 4. This act shall take effect immediately.

Chap. 235.

AN ACT to authorize the town of Oswegatchie to raise money to build a bridge over the Oswegatchie river, above the mill dam, in the city of Ogdensburgh, appointing commissioners for that purpose, and providing means for payment.

Passed April 23, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Bridge
commis-
sioners
created.

Their
powers.

SECTION 1. Amaziah B. James, William J. Averell and Henry Rodee are hereby created bridge commissioners for the town of Oswegatchie, in the county of Saint Lawrence, with power and authority to raise money on the credit of said town, and construct a bridge from the east bank over the Oswegatchie river, in the city of Ogdensburgh, on the site of the present bridge above the mill-dam, with the right, if they shall see fit, to extend on the west side over the railroad track on the west side; said bridge to be of such size, plan and materials as they shall elect, and for such purpose said commissioners are invested with all the powers of highway commissioners of taxes, so far as shall become necessary in the prosecution and completion of said work, and for their services said commissioners shall be entitled to receive three dollars per day for each day employed.

Compen-
sation.

Bonds,
commis-
sioners
may issue,
&c.

§ 2. For the purpose of raising money to erect said bridge, such commissioners are authorized and empowered to issue the bonds of the said town of Oswegatchie, in such sums as they shall elect, with or without coupons attached, to an amount not exceeding twenty thousand dollars, for a term not exceeding twenty years, at a rate of interest not exceeding seven per cent. per annum, with power to sell the same at not less than par; such bonds, for principal and interest, to be payable annually, on the first day of February in the year or years in said bonds specified; such bonds to be subscribed by such commissioners as commissioners.

Annual
report.

§ 3. Said commissioners shall, on the first Monday of November in each year, until such bridge shall be completed, make to the board of audit of said town of Oswegatchie a report of the number and amount of the bonds issued by them; when the same will become due; and the sums required to be raised to meet any principal, interest, or either, to become due on the first day of the February then next, which report shall be filed with the town clerk, and the board of audit at its next annual meeting, upon the authority of said report, shall make and subscribe certificates in duplicate of the amount required for said purpose to be raised at the next annual meeting of the board of supervisors of said county, and deliver the same over to the supervisor of said town, to be by him laid before said board of supervisors. And on or before the first Monday of November, after such bridge shall be completed, said commissioners shall render to said board of audit a statement on oath of all the bonds issued by them, with their date, time of issue, when they will become due; also an account of all moneys received, from what source, and for what purpose expended; which statement shall be filed in the town clerk's office; and it shall be the duty of the board of audit of said town, at its annual meetings thereafter, until the

Board of
audit to
make cer-
tificates.

Commis-
sioners to
render
sworn
statement
of bonds,
&c.

Duty of
board of
audit.

principal and interest of all bonds issued as herein authorized are fully paid or provided for, to cause the necessary certificates in duplicate of the amount required to be raised upon said town, to meet the principal and interest to become due on the then next succeeding February, to be made and signed, one copy of which shall be delivered to the supervisor of said town, to be laid before the board of supervisors at its next annual session. And the board of supervisors of the county of St. Lawrence, at their next annual meetings thereafter, are hereby authorized and required, upon the presentation of such certificates of the board of audit, to cause to be levied and collected in each year the sum therein required, upon the taxable property of said town, as other town charges are collected, and direct the same to be paid over to the supervisor of said town on or before the first day of February then next, to be by him forthwith applied in payment of such bonds and interest.

Board of supervisors to levy tax.

§ 4. In case of the death, removal or resignation of either of the commissioners herein named, the supervisor and justices of the peace of said town, or a majority of them, including the supervisor, are hereby empowered, and it shall be their duty, forthwith to fill such vacancy.

Vacancy, how filled.

§ 5. This act shall take effect immediately.

Chap. 236.

AN ACT to incorporate the Metropolitan Safe Deposit Company of the city of New York.

Passed April 23, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. David F. Baker, John McKewen, J. Clark Wheeler, Thomas Swift, Archibald Turner, Matthew Drum, George Ross, Charles Wilkinson, Robert F. King, William B. Brown, Thomas McGerrity, Joseph McGuire, John G. Cary, their associates, successors and assigns, and all other persons who shall become stockholders in the corporation hereby created, are hereby constituted a body corporate by the name and style of the Metropolitan Safe Deposit Company, of the city of New York, to be located in the city of New York, and shall possess, as such corporation, the general powers and privileges, and be subject to the restrictions and liabilities contained in title three, chapter eighteen of part one of the Revised Statutes.

Corporation.

Corporate name and business location.

§ 2. The affairs of said corporation shall be managed by a board of ten directors, all of whom shall be stockholders of said company to an amount not less than one thousand dollars. And the persons named in the first section of this act shall constitute the first board of directors of the said corporation, and shall hold office for one year, or until others shall be elected in their places. The said corporation shall be deemed to be organized by the election by the first board of directors of a president from their own number, and of a secretary, who may also be a director.

Board of directors.

First board of directors.

§ 3. The capital stock of the said corporation shall be one hundred thousand dollars, to be divided into shares of one hundred dollars each, with power to the stockholders to increase the same, at any time, to five hundred thousand dollars; and the board of directors shall open books for subscriptions to the said stock, and the same may be subscribed for and held by any person or persons; and when one hundred

Capital stock.

Subscriptions.

When to
begin
business.
Objects.

thousand dollars shall have been actually paid in, in cash, the said company may proceed to business under its charter.

§ 4. The business and general objects of the said corporation shall be to take and receive from any individual or corporation, on deposit, for safe-keeping and storage, gold and silver plate, jewelry, money, stocks, securities and other valuables, and personal property, and may have power to collect coupons, interest and dividends on said above described securities, and to rent out the use of safes and other receptacles on their premises, upon such terms and for such compensation as may be agreed upon.

Power to
hold real
estate.

§ 5. Said corporation shall have power to purchase or lease and hold such real and personal estate as may be necessary and convenient for the accommodation and transaction of its business.

Personal
liability of
stock-
holders.

§ 6. The stockholders of the company incorporated by this act shall be liable, in their individual capacity, for the payment of the debts and liabilities of such company, for an amount equal to the amount of stock they have severally subscribed or held in said company, over and above such stock, to be recovered by the stockholders who are such when the debt is contracted, or the loss or damage is sustained, or of any subsequent stockholder. And any stockholder who may have paid any demand against such company, either voluntarily or by compulsion, shall have a right to resort to the rest of the stockholders who were liable to contribution. And the dissolution of the said company shall not release or affect the liability of any stockholder which may have been incurred before such dissolution.

Contribu-
tion.

Dissolu-
tion, effect
of.

§ 7. This act shall take effect immediately.

Chap. 237.

AN ACT to incorporate the Kingston Savings Bank.

Passed April 23, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Corpora-
tors.

SECTION 1. Jacob B. Van Dusen, Augustus T. Newton, Henry C. Connelly, Robert Loughran, James Van Leuven, James Myer, Jr., William H. Romeyn, George S. Coutant, Lucius Lawson, Michael Hallahan, Luke Noone, Isaac Bernstein, Abraham H. Vaudling, John R. Freer, James S. Pine, Charles H. Clearwater, Frederick W. Ingalls, William H. Fredenbergh, James H. Van Demark, Benjamin Turner, Jacob Freileweh, Augustus Schoonmaker, Jr., and their successors, shall be and they are hereby constituted a body corporate and politic, by the name of the Kingston Savings Bank, to be located in the city of Kingston, Ulster county, and by that name shall have perpetual succession, and may sue and be sued in any of the courts of this State.

Corporate
name and
business
location.

First trust-
tees.

Vacancies, how
filled.

Number
of trustees
may be
reduced.

§ 2. The persons named in the first section of this act shall be the first trustees of the said corporation, and all vacancies in the office of trustee shall be filled by the board, by ballot, without unnecessary delay, and the vote of a majority of the remaining members of the board shall be necessary to elect a trustee. The board of trustees may, by resolution, reduce the number of trustees to any number not less than nine, to take effect when vacancies occur by death, resignation or otherwise.

President
and vice-
president

§ 3. The business of the said corporation shall be managed and directed by said board of trustees, who shall elect from their number a

president and two vice-presidents, and may elect from their number, or otherwise, such other officers as they may deem expedient; and the vote of a majority of a full board of trustees shall be requisite for the appointment of any officer receiving a salary therefrom, or to fix or to increase the salary of any officer; but such majority shall be composed exclusive of any trustees receiving any salary or compensation for services as officers of said corporation.

to be elected.
Salaried officers, how appointed.

§ 4. No trustee shall, directly or indirectly, receive any pay or emolument for his services, and no trustee, officer or servant of said corporation shall, directly or indirectly, for himself or as the agent or partner of others, borrow any of the funds of said corporation, or its deposits, or in any manner use the same or any part thereof, except to make necessary current payments, or to make investments, or to deposit for safety, under the direction and by authority of the board of trustees; nor shall any trustee, officer or servant of said corporation be an indorser or surety, or in any manner be an obligor, for moneys loaned by or borrowed of the said corporation.

Trustees to receive no pay. Officer or servant not to borrow funds, &c.

Not to be indorsers.

§ 5. A quorum of said board of trustees shall consist of not less than five, of whom the president or one of the vice-presidents shall be one; and it shall be lawful for the trustees, in their by-laws, to provide for a larger quorum; but less than a quorum shall have power to adjourn from time to time, or until the next regular meeting.

Business quorum.

§ 6. A regular meeting of the board of trustees shall be held once in each month, to receive the reports of their officers and transact such other business as may be necessary; and the trustees may, in their by-laws, provided for calling special meetings, and any trustee omitting to attend the regular meetings of the board for six months, unless previously excused by a vote of the board, shall thereby vacate his office as trustee, but may, in the discretion of the board, be eligible to a re-election.

Monthly meetings.
Special meetings.

§ 7. The board of trustees of said corporation shall have power, from time to time, to make such by-laws, rules and regulations as they may think proper for the election of officers, for prescribing their respective powers and duties, and the manner of discharging the same, for the appointment and duties of committees, and generally for transacting, managing and directing the affairs of the corporation; provided, such by-laws, rules and regulations are not repugnant to nor inconsistent with the provisions of this act, the Constitution and the laws of this State or of the United States.

By laws.

Proviso.

§ 8. The general business and object of the corporation hereby created shall be to receive on deposit any sum or sums of money that may be offered for that purpose by any person or persons, or by any religious or charitable corporations or societies, not to exceed five thousand dollars from each individual or association, and to invest the same, and declare, credit and pay dividends or interest thereon, as hereinafter authorized, and not otherwise; and all certificates or other evidences of deposit, made by the proper officer of said corporation shall be as effectual as if executed under the common seal thereof.

Objects.

Limit of deposits.

Certificates &c., binding.

§ 9. It shall be lawful for the trustees of the corporation to invest the moneys deposited with them, and the gains or profits thereof, only as follows, to wit:

Investments, how to be made.

1. In the stocks or bonds, or interest-bearing notes or certificates of the United States.

U. S. stocks.

2. In the stocks or bonds, or evidences of debt bearing interest, of this State.

State stocks

City and
county
bonds.

3. In the stocks or bonds of any city or county of this State, issued pursuant to the authority of any law of this State; but not exceeding ten per cent. of the assets of the corporation shall consist of city or county bonds.

Bonds and
mort-
gages.

4. In bonds secured by mortgages on improved, unincumbered and productive real estate, situate in this State, worth at least twice the amount loaned thereon; but not to exceed fifty per cent. of the assets of the corporation shall consist of such bonds and mortgages.

Power to
purchase,
lease, hold,
and con-
vey real
estate.

5. It shall be lawful for the corporation to purchase, lease, hold and convey real estate only as follows: 1. A lot and banking-house requisite for the transaction of its business, and for an income from such portions of the same as are not required for its own use. 2. Such as shall have been purchased at sales upon statute foreclosure, or upon judgments and decrees obtained or rendered for money loaned; and all such real estate as is described in the last preceding clause, shall be sold by the trustees within five years after the same shall be vested in the corporation, unless, upon application by the trustees, the Superintendent of the Banking Department shall extend the time within which such sale shall be made.

Personal
security to
be re-
quired.

§ 10. In all cases of loan upon real estate a sufficient bond, or other personal security, shall be required of the borrower, and all the expenses of searches, examinations and certificates of title or appraisals of value, and of drawing, perfecting and recording papers, shall be paid by such borrower.

Buildings.

§ 11. Whenever buildings are included in the valuation of any real estate upon which a loan shall be made by said corporation, they shall be insured by the mortgagor for at least two-thirds their value, in such company of this State as the trustees shall direct, and the policy of insurance shall be duly assigned to the corporation; and it shall be lawful for said corporation to renew such policy of insurance, in the same or in any other company of this State, as they may elect, from year to year, or for a longer or shorter term, in case the mortgagor shall neglect to do so, and may charge the same to him. And all the necessary charges and expenses paid by said corporation for such renewal or renewals shall be paid by such mortgagor to such corporation, and shall be a lien upon the property so mortgaged until paid.

Insur-
ance.

Renewal.

Expense
thereof a
lien.

Corpora-
tion not to
deal in
real or
personal
estate, ex-
cept, &c.

§ 12. It shall be unlawful for the said corporation, directly or indirectly, to deal or trade in real estate in any other case or for any other purpose than as authorized in the ninth section of this act, or to deal or trade in any goods, wares, merchandise or commodities whatever, except as authorized by the provisions of this act, and except such personal property as may be necessary in the transaction of its business.

Tempora-
ry loans.

§ 13. It shall be lawful for the trustees of the corporation, while awaiting opportunity for the judicious investment of the moneys deposited with them, as authorized and required by this act, to loan the same, or any part thereof, upon the securities mentioned in section nine of this act, subject to the limitation contained in said section, but not exceeding ninety per cent. of the cash market value of such securities shall be loaned thereon; and should any securities depreciate in value after making a loan thereon, it shall be the duty of the trustees to require the immediate payment of such loan, or a part thereof, or additional security therefor, so that the amount loaned shall at no time exceed ninety per cent. of the market value of the securities pledged therefor.

Immedi-
ate pay-
ment or
additional
security.

Deposits,
inve. t-
ment of.

§ 14. It shall be the duty of the trustees of said corporation, as soon as practicable, to invest the moneys deposited with them, and the gains

or profits thereof, in the securities named in the ninth section of this act, except an available fund of not exceeding twenty per cent. of the deposits with said corporation, which the trustees may keep to meet current payments, and which may by them be kept on deposit in any bank or banking association organized under any law or laws of this State or of the United States, or with any trust company incorporated by any law of this State, upon such terms as may be agreed upon; but the sum so kept on deposit in any one bank or trust company shall not exceed twenty per cent. of the capital of such bank or trust company, and shall not exceed twenty-five thousand dollars or ten per cent. of the whole amount of deposits with this said corporation; or such available fund, or any part thereof, may be loaned by the trustees on call, or on notice not exceeding ten days, upon the securities and in the manner provided, in the last preceding section of this act.

Exception.

Sum to be kept on deposit, limited.

§ 15. The sums deposited with the said corporation shall be repaid to the depositors thereof, or their legal representatives, at such times and with such interest and under such regulations as the board of trustees shall from time to time prescribe, which regulations shall be put and kept up in some conspicuous place in the room where the business of the corporation shall be transacted, and shall also be printed in the pass-book of each depositor, but shall not be altered so as to affect any deposit previously made.

Repayment to depositors.

Regulations.

§ 16. Whenever any deposit shall be made by any person being an alien or minor, or a female being or thereafter becoming a married woman, the same shall be held for the exclusive right and benefit of such depositor, and free from the control or lien of all persons whatsoever, except creditors, and shall be repaid, together with the dividends or interest thereon, to the person making the deposit, and the receipt or acquittance of such alien, minor or female shall be a valid and sufficient release and discharge for such deposit to the corporation.

Deposit by alien, female or minor, how to be held.

Receipt.

§ 17. In all actions in any courts of this State, against the said corporation, by a husband to recover for moneys deposited by his wife in her own name, or as her own money, the wife may be examined and testify as a witness in like manner as if she was an unmarried woman.

In action by husband, wife may be a witness.

And in all actions against the said corporation to recover for moneys on deposit therewith, if there be any person or persons, whether husband or wife, or otherwise, claiming the same fund, who are not parties to the action, the court in which such action is pending may, on the petition of said corporation, and upon five days' notice to the plaintiff and such claimants, make an order, amending the proceedings in said action, by making such claimants parties defendant thereto; and the said court may thereupon proceed to hear and determine the rights and interests of the several parties to said action in and to said funds. The said funds or deposits which are the subject of the said action may, in the discretion of the court, be permitted to remain with said corporation at the same rate of interest as other deposits, to the credit of the action, until final judgment therein, and the same shall be paid by said corporation in accordance with the provisions of said final judgment. The question of costs in the actions referred to in this section shall, in all cases, be in the discretion of the court.

A claimant not a party to the action may be brought in.

Funds may remain to credit of the action.

Costs.

§ 18. It shall be the duty of the trustees of said corporation to regulate the rate of interest to be allowed to the depositors in such a manner that they shall receive, as nearly as may be, all the profits of the said corporation, after deducting necessary expenses, and reserving such amount as the trustees may deem expedient or desirable as a surplus fund, which, to the amount of ten per cent. of their deposits, the

Rate of interest, how to be regulated.

Classifica-
tion of deposi-
tors.

Annual
report to
the super-
intendent
of bank
depart-
ment.

Compensa-
tion of
agent.

Supreme
court may
cause ex-
amination
to be
made.
Books,
&c., to be
open to
examina-
tion.

Report.

Powers of
the court
for secu-
ring funds,
&c.

Misnomer
not to
vitiate.

General
laws ap-
plicable.

trustees of said corporation are hereby authorized gradually to accumulate and hold, to meet any contingency or loss in its business; provided, however, that it shall be lawful for the trustees to classify their depositors according to the extent or duration or character of their dealings with the said corporation, and to regulate the rate of interest in such manner that each depositor shall receive a ratable proportion of interest with all others of the same class.

§ 19. The said corporation shall, every year, make reports to the Superintendent of the Bank Department, as required by law, and in such form as he shall prescribe, and the books of the said corporation shall at all times during business hours be open to the inspection of the Superintendent of the Bank Department, or of such other person as the Superintendent or the legislature may appoint as his or their agent for that purpose. Whenever any agent shall be appointed to make any such examination, he shall be paid for his services, by such corporation, such sum as the Superintendent of the Bank Department shall certify to be just and reasonable.

§ 20. The Supreme Court may, at any time, on the application of any trustee or depositor in said savings institution, and on reasonable cause shown therefor to the satisfaction of said court, appoint one or more persons to examine into the investments of said savings institution, and its affairs and business generally. The books, papers and business of said savings institution shall be open and subject to the examination of such person or persons, and the trustees, officers and clerks thereof, or any other person, may be examined on oath by such person or persons; and the same court may confer such further powers on the person or persons so appointed as they may consider necessary for the more thorough and perfect examination of the affairs and business of said corporation. The said person or persons so appointed shall report the result of their investigations to the said court, which, if satisfied thereby that any officer, trustee or servant of said corporation has been guilty of any fraud or misconduct, may remove such person or persons, and make such further order, and take such further measures for securing the funds and property of said corporation as the said court shall deem expedient.

§ 21. The misnomer of said corporation in any instrument shall not vitiate or impair the same if it be sufficiently described to ascertain the intention of the parties.

§ 22. The corporation hereby created shall be subject to the provisions of the eighteenth chapter of the first part of the Revised Statutes, and all other general laws affecting saving institutions, so far as the same are applicable; and this act may be repealed, or altered, or amended at any time hereafter.

§ 23. This act shall take effect immediately.

Chap. 238.

AN ACT to amend an act incorporating the village of Phoenix, in the county of Oswego.

Passed April 23, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section sixteen of title five of an act entitled "An act to amend an act incorporating the village of Phoenix, in the county of Oswego," is hereby amended by striking out said section as amended by

chapter three hundred and twenty-five of the laws of the State of New York, passed April twenty-sixth, eighteen hundred and sixty-nine, and inserting in place thereof as follows:

§ 16. All expenses incurred by the village in the enforcement of any ordinance requiring the making, grading or repairing of any sidewalk, the removing snow or ice or other obstruction therefrom, the removal or abatement of a nuisance, or the doing of any other act they are authorized to do, the person or persons required to do the same having neglected or refused, may be enforced and collected as follows: A statement, containing the items of such expenses, certified by the clerk of the village, shall be served personally upon the owner or owners, occupant or occupants of the lot or lots affected by such act or improvement, if they can, after reasonable diligence, be found within said village, or in case said lots are unoccupied, then upon the owner or his agent if either can, after due diligence, be found within said village; and in case such owner, occupant or agent cannot be found within said village, then by publishing the same for three successive weeks in the official paper of said village, to which statement shall be attached a notice that application for an order directing judgment for the amount mentioned in such statement, together with the cost of such application and the expenses of serving and publishing such statement and notice of application will be made at the next term of the county court to be holden in and for the county of Oswego. Any party upon whom such statement and notice shall be served may, within ten days after such service, serve upon the clerk of said village an answer to such statement specifying his objections to the same and any other grounds of defense to the same, and the answer so served upon said clerk, together with said statements, shall constitute an issue therein to be tried by said county court in the same manner that other issues are tried therein, and with costs to the prevailing party as in actions in which said county court has original jurisdiction, and the judgment rendered therein shall be enforced as herein above specified; a copy of such statement and notice together with a description of the premises affected thereby, may be filed with the clerk of the county of Oswego, and such filing shall be a notice to all subsequent purchasers and incumbrancers of the lien sought to be enforced. In case the lot or premises upon which such lien is sought to be enforced shall be owned by a non-resident of said village, and unoccupied, the clerk of the village shall serve by mail a copy of said printed notice on such owner or owners addressed to such owner or owners at his or their place of residence, if the same be known, in the same manner as legal notices are served by one attorney-at-law of this State upon another.

Expenses of making, &c., of sidewalks, &c., how collected.

Itemized statement to be served upon owners, &c.

Publication thereof

Notice.

Answer.

Issue, how tried.

Notice of lien.

Notice, mail served, vice of.

Chap. 239.

AN ACT to amend chapter three hundred and twenty of the laws of eighteen hundred and sixty, entitled "An act to incorporate the Schoharie Valley Stock Growers' Association."

Passed April 23, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of chapter three hundred and twenty of the laws of eighteen hundred and sixty, entitled "An act to incorporate the

Schoharie Valley Stock Growers' Association," is hereby amended so as to read as follows:

Powers of
the corpo-
ration.

§ 7. The said association or company shall have the power of importing, raising, breeding and improving the different breeds of cattle, horses, sheep and other domestic animals, and importing, raising, buying and selling all kinds of seeds, grains, and fruit and ornamental trees, and to purchase or lease a farm or tract of land within the town and county of Schoharie, a portion of which said farm or tract of land may be used as a course for breaking, training and testing the relative speed of horses, and to erect such buildings and fences on and around said farm or tract of land as may be necessary for carrying out the provisions of this act; and said association or company may, when authorized so to do by a vote of a majority of the stockholders present and voting at any meeting of said stockholders, duly called for that purpose, mortgage, lease or sell any or all of its real estate owned or held by it, or exchange the same, or any part thereof, for other lands in said town, and by its president duly execute and acknowledge said mortgage or conveyance, so as to create a valid incumbrance or conveyance of the same. But nothing in this section contained shall be construed to allow the racing of horses for any bet or wager contrary to the provisions of article fifth, chapter twenty, title eight, first part of the Revised Statutes.

May mort-
gage, lease
or sell its
real
estate.

Proviso.

Annual
election
of trust-
ees.

§ 2. The annual election of trustees of said association shall be held on the second Tuesday in January of each and every year.

§ 3. This act shall take effect immediately.

Chap. 240.

AN ACT to further amend an act, passed April twentieth, eighteen hundred and sixty-six, entitled "An act supplementary to the act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,'" passed April second, eighteen hundred and fifty.

Passed April 23, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of chapter six hundred and ninety-seven of the laws of eighteen hundred and sixty-six, entitled "An act supplementary to the act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,'" passed April second, eighteen hundred and fifty, is hereby amended so as to read as follows:

Extension
of corpo-
rate exist-
ence, how
effected.

§ 5. The continuance of any railroad corporation now existing, or hereafter to be formed under the laws of this State, may be extended beyond the time named for that purpose in its act or acts of incorporation, or in the articles of association of such corporation, by the filing in the office of the Secretary of State a certificate of consent to such extension, signed by the holders of two-thirds in amount of the stock held by the stockholders of such corporation, and in every case where such consent has been or shall be so filed, the term of existence of such corporation is hereby extended and declared to be extended for the period designated in such certificate, and each such corporation shall, during the period named in such certificate, possess and enjoy all the rights, privileges and franchises enjoyed or exercised by such corporation at

the time such certificate was or shall be so filed. Each such certificate shall be proved or acknowledged by the individuals signing the same, before some officer authorized by law to take acknowledgments of deeds, and whenever such stock shall be owned or held by firms or copartnerships the execution of such certificate shall be acknowledged by one or more of such copartners; and it shall be the duty of the Secretary of State to record such certificate in the book kept in his office for the record of articles of association of railroad companies. A copy of such certificate and of the acknowledgment thereof, certified by the Secretary of State, shall be presumptive evidence of the truth of the facts therein stated. Firms.
Certified copy of certificate evidence.

§ 2. This act shall take effect immediately.

Chap. 241.

AN ACT to authorize the Pennsylvania and Sodus Bay Railroad to construct a branch of its railroad from near Newfield, in the county of Tompkins, to a point at or near the State line at Waverly, in the county of Tioga.

Passed April 23, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Pennsylvania and Sodus Bay Railroad is hereby authorized to construct a branch of its railroad, commencing at a point in the county of Tompkins, on the present line of said railroad, about one mile west of the village of Newfield, and running thence in a southerly direction by way of Poney Hollow, in the county of Tompkins, and Cayuta, in the county of Schuyler; and thence, through a portion of the counties of Chemung and Tioga, to a point at or near the State line at Waverly, in the county of Tioga. Branch railroad may be constructed.

§ 2. This act shall take effect immediately.

Chap. 242.

AN ACT to amend section two of chapter eight hundred and ninety of the laws of eighteen hundred and sixty-eight, entitled "An act to authorize Lewis Runyon to establish a ferry across the Seneca lake at Lodi landing."

Passed April 23, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter eight hundred and ninety of the laws of eighteen hundred and sixty-eight, entitled "An act to authorize Lewis Runyon to establish and maintain a ferry across the Seneca lake at Lodi landing," passed September twenty-four, eighteen hundred and sixty-eight, is hereby amended so as to read as follows:

§ 2. The said Lewis Runyon, his heirs and assigns, shall establish, by the first day of September, eighteen hundred and seventy-five, and at all reasonable times thereafter during the continuance of this act, keep and maintain a convenient ferry-boat or boats, or vessel, furnished with Ferry to be established.

steam or other power, for the safe and speedy conveyance of passengers and their baggage, horses, carriages, goods and chattels, between the places mentioned in section one of said act, and shall supply or furnish the said vessel or ferry-boat with skillful persons to attend, work and navigate the same.

When to
be estab-
lished.

§ 2. Said Lewis Runyon, his heirs or assigns, shall establish said ferry by the first day of September, eighteen hundred and seventy-five, in order to be entitled to the privilege of this act.

§ 3. This act shall take effect immediately.

Chap. 243.

AN ACT to enable John Shaw to take, hold, convey and transmit, by descent or devise, real estate, and to release to him the interest of this State in certain lands.

Passed April 24, 1874; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

John
Shaw ena-
bled to
take, hold,
&c., real
estate.

SECTION 1. John Shaw, of Pittsfield, in the State of Massachusetts, is hereby authorized to take and hold real estate within the State of New York, to himself, his heirs and assigns forever, and to sell, mortgage, convey or demise the same, and to transmit the same, by descent or devise, in like manner as if he had been a citizen of the United States at the time of the death of his son Joseph Shaw; and all the property, estate, right, title and interest of the People of the State of New York, of, in, and to the lands and easements, and hereditaments, whereof said Joseph Shaw died seized within this State, is and are hereby granted, conveyed, released and assigned to and vested in the said John Shaw, to have and to hold the same to him, his heirs and assigns forever, in like manner as if he and they were citizens of the United States.

Title of
the state
released.

Proviso.

§ 2. Nothing herein contained shall be so construed as to impair, release or discharge the right, claim or interest of any purchaser, heir-at-law or any creditor by mortgage, judgment, or otherwise, in said real estate.

§ 3. This act shall take effect immediately.

Chap. 244.

AN ACT to authorize the Canal Commissioner in charge of the middle division of the Erie canal, to widen and deepen the Stroud, Chapman, Olcott and Douglass ditches, so-called, in Cowasselon swamp, and to dig and construct such new ditches as may be necessary to drain said swamp and lowlands of the surplus waters of the Erie canal.

Passed April 24, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Ditches
to be
widened,

SECTION 1. The Canal Commissioner in charge of the middle division of the Erie canal, is hereby authorized and directed to widen and

deepen, or cause to be widened and deepened, the Stroud, Chapman, &c., and Olcott and Douglass ditches, the Cowasselon swamp, and to dig and construct such new ditches (in the towns of Lenox and Sullivan, Madison county), as may be necessary to perfectly drain said swamp and low-lands along the line of said creek, from the Cawasselon creek waste-weir on the Erie canal to Oneida lake at Lakeport, of the surplus waters of the Erie canal, at an expense not exceeding twenty-five thousand dollars; provided, that after investigation and examination into all the facts in relation to the application for said work, the said Canal Commissioner, and the Attorney-General and State Engineer and Surveyor, shall each one of them be of opinion that the State is under legal obligations as if the State were an individual, to do said work and shall so certify in writing, giving their reasons therefor; and provided further, that before proceeding to do said work, the Canal Commissioner aforesaid shall require and receive a full and sufficient release, legally executed, acknowledged and delivered, free of expense to the State, of all claims or damages in consequence of the performance of said work, or which may have heretofore accrued to any person or persons, in consequence of the flowage of their lands by said waters. The said Canal Commissioner, Attorney-General and State Engineer and Surveyor shall obtain and cause to be entered, in a book of records to be kept in the office of the Canal Commissioners, all the testimony above referred to, whether such determination be favorable or adverse to such application, and their opinion shall be signed and annexed to said testimony.

Expense limited.

Proviso.

Release of damages a condition.

Testimony to be recorded.

§ 2. The Auditor of the Canal Department shall draw his warrants on the Treasurer of this State, to an amount not to exceed twenty-five thousand dollars, for the purposes of this act; provided, that the officers mentioned in the first section of this act shall determine that the State is legally liable for the damage resulting from the flowage mentioned in this act, and that the damage for which the State would be legally liable will equal said sum of twenty-five thousand dollars, and if in their opinion such damages are less than twenty-five thousand dollars, then the amount to be expended shall not exceed the amount of such damages.

Auditor's warrant.

Proviso.

§ 3. The work proposed to be done under the provisions of the first section of this act, shall be done by contract, and let to the lowest bidder after being advertised as is now required by law for the letting of other State work.

Work to be done by lowest bidder.

Chap. 245.

AN ACT to amend an act entitled "An act authorizing the incorporation of rural cemetery associations," passed April twenty-seventh, eighteen hundred and forty-seven, and the acts amendatory thereof.

Passed April 24, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of chapter one hundred and thirty-three of the laws of eighteen hundred and forty-seven is hereby amended so as to read as follows:

§ 4. Any association incorporated under this act may take by purchase or devise, and hold, within the county in which the certificate of their

Corporation may take by

purchase, incorporation is recorded, not exceeding two hundred acres of land, or &c. such further quantity as the legislature has prescribed or may prescribe, to be held and occupied exclusively for a cemetery for the burial of the dead. Such lands or such parts thereof as may from time to time be required for that purpose shall be surveyed and subdivided into lots or plats of such size as the trustees may direct, with such avenues, paths, alleys and walks as the trustees may deem proper, and a map or maps of such surveys shall be filed and kept in the office of the association, open to the inspection of the lot owners. The trustees may sell and convey the lots or plats and parts of lots or plats designated on such maps upon such terms as shall be agreed and subject to such conditions and restrictions as may be imposed upon the use of such lots or plats by rules and regulations now adopted or hereafter to be adopted by the trustees of such association. The conveyances shall be executed under the common seal of the association and signed by the president or vice-president and the treasurer of the association. Any association incorporated under this act may hold personal property to an amount not exceeding five thousand dollars, or such further amount as the legislature has prescribed or may prescribe, besides what may arise from the sale of lots or plats.

§ 2. Section seven of said act is hereby amended so as to read as follows:

§ 7. All lots or parts of lots or plats which shall be conveyed by the association as a separate lot or plat, shall be indivisible, but may be held and owned in undivided shares; but any lots or plats and parts of lots or plats remaining unsold, and in which there shall have been no interment, may, by order of the trustees, by resurveyed, enlarged, subdivided or altered in shape or size, and designated by numbers or otherwise on any map or maps which may be filed and kept pursuant to the fourth section of the act hereby amended; one-half at least of the proceeds of all sales of lots or plats shall be first appropriated to the payment of the purchase-money of the lands acquired by the association until the purchase-money shall be paid, and the residue thereof to preserving, improving and embellishing the said cemetery grounds and the avenues or roads leading thereto, and to defray the incidental expenses of the cemetery establishment, and after the payment of the purchase-money and the debts contracted therefor, and for surveying and laying out the land, the proceeds of all future sales shall be applied to the improvement, embellishment and preservation of such cemetery and for incidental expenses, and to no other purpose or object.

§ 3. Section eleven of said act is hereby amended by adding thereto at the end thereof:

“And provided further, that in case all bodies interred upon any lot, or part of a lot, shall be lawfully removed therefrom, the owner or owners may apply to any court of record held in any county in which said courts are situated, for leave to sell the same; upon such application, the court shall require such notice of the hearing of the application, as it shall prescribe to be given to all parties interested, including said cemetery association, and may, for proper cause shown, authorize the sale of the same.

§ 4. Every association incorporated under the act hereby amended may from time to time, by its trustees, make such rules and regulations as it shall deem proper for the care, management and protection of the cemetery lands and property; for the use, care and protection of all lots and plats and parts of lots therein; the conduct of persons while within the cemetery grounds; to exclude improper persons therefrom

and improper assemblages therein; to regulate the dividing marks between the various lots and plats and parts of lots and plats, and their size, shape and location; to regulate the size of erections, and to forbid the erection of structures upon such lots or plats and parts of lots or plats; to prevent the burial within the cemetery of persons executed for crime; to prevent the burial on any lot or plat or part of any lot or plat of any person not entitled to such burial by section eleven of said act of April twenty-seventh, eighteen hundred and forty-seven, hereby amended; to regulate and prevent disinterments; to prevent improper monuments, effigies, structures and inscriptions within the cemetery grounds, and to remove the same; and to regulate the introduction and growth of plants, trees and shrubs within the cemetery grounds. Such rules and regulations, when adopted, shall be binding upon all lot owners and persons visiting said cemetery grounds, and shall apply to all lots and parts of lots sold or hereafter to be sold. Such rules and regulations, when adopted, shall be plainly printed and publicly posted in the principal office of the association, and in such places upon the cemetery grounds as the trustees of the association shall by resolution prescribe.

Rules,
&c., bind-
ing.

To be
posted.

§ 5. This act shall take effect immediately.

Chap. 246.

AN ACT relative to the powers of the Buffalo East Side Street Railway Company.

Passed April 24, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Buffalo East Side Street Railway Company is hereby authorized to lay, construct and operate its railroad in the following streets and places in the city of Buffalo, with the same rights, and subject to the same provisions in all respects as if said streets and places had been set forth in section two of the act incorporating the said company, as amended by section one of chapter three hundred and seventy of the laws of eighteen hundred and seventy-two, namely: From the westerly termination of the Exchange street road to the terrace; thence across the terrace to Evans street; thence along Evans street to Peacock street; thence along Peacock street from Evans to Erie street; thence along Erie street from Peacock to Canal street; and thence along Canal street from Erie to Evans street; also from the intersection of Main and Eagle streets, and so as to intersect with the railroad in Main street, along Eagle street to its easterly termination; and along Madison street from Eagle to Brown street; and along Brown street to Jefferson street; also from the easterly termination of Clinton street to Emslie street; also commencing at the junction of Main and Ohio streets, and so as to connect with the railroad in Main street; thence along Ohio street to Moore street; thence along Moore street to Elk street; thence along Elk street to Louisiana street; thence along Louisiana street to Seneca street; thence along and across Seneca street to Taylor street; thence along Taylor street to Swan street; thence along Swan street to Jefferson street; also commencing on Carrol street at the junction of Louisiana street; thence along Carrol street to Alabama street; thence along Alabama street to Seneca street;

Company
may con-
struct and
operate
street
railroad.

In what
streets.

Proviso.

Time within which other roads are to be built.

thence along and across Seneca street to Spring street; thence along Spring street to South Division street; thence along South Division street to Jefferson street; also from the intersection of Ohio and Washington streets, along Washington street so as to connect with the present car-house and stables of the Buffalo Street Railroad Company on the west side of Washington street, between Ohio and Perry streets; also in Niagara street from the termination of the tracks of the Buffalo Street Railroad Company, at or near Amherst street to the south side of the bridge over Cornelius creek in said Niagara street; it being further provided that if the said company shall, within the time now limited by its charter, build its road so as to connect Main street with the present cattle yards of the New York Central and Hudson River Railroad Company, it shall have five years from the date of the passage of this act to build such other roads as by such charter it is authorized to build; after which time its corporate power to build and operate a railroad shall be restricted to the streets, avenues and places in which its track or tracks shall then be constructed, and in such streets, avenues and places as the common council of the city of Buffalo shall thereafter authorize.

§ 2. This act shall take effect immediately.

Chap. 247.

AN ACT to provide for the maintenance of certain convicts in the penitentiaries of Onondaga and Kings counties.

Passed April 24, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Superintendents to make annual return to comptroller.

Contents of return.

Comptroller's warrant.

SECTION 1. The superintendents of the penitentiaries of Onondaga and Kings counties shall make a return, under oath, on the thirtieth day of September of each year hereafter, to the Comptroller of this State, in which they shall fully set forth the name of each convict committed to the penitentiaries under their charge during the preceding year, under or by virtue of "An act in relation to the punishment of crimes in certain cases," passed April eleventh, eighteen hundred and fifty-six, in what court convicted, and before what presiding justice, with the offense for which convicted, and also the date of conviction, length of sentence, and the amount due from the State for the maintenance of such convicts, at the same rate per week as is now paid for the maintenance of convicts sentenced under the same act to confinement in the penitentiaries at Rochester and Buffalo, not to exceed one dollar and fifty cents per week during the time such prisoner is confined in the said penitentiaries. Upon auditing such return the Comptroller shall draw his warrant on the Treasurer of this State, in favor of the superintendents of the said penitentiaries for the amount due for the maintenance of all such convicts during the fiscal year ending on the said thirtieth day of September in each year as provided in said chapter six hundred and sixty-seven of the laws of eighteen hundred and sixty-six.

Chap. 248.

AN ACT to authorize the city of Rochester to issue the last three installments of its bonds in aid of the Rochester, Nunda and Pennsylvania Railroad Company in advance of the terms and conditions specified in the act entitled "An act to authorize the city of Rochester to issue its bonds in aid of the Rochester, Nunda and Pennsylvania Railroad Company, and to take the bonds of the company therefor," passed April sixth, eighteen hundred and seventy-two.

Passed April 24, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The city of Rochester is hereby authorized to issue its last three installments referred to in subdivision two of section three of the act entitled "An act to authorize the city of Rochester to issue its bonds in aid of the Rochester, Nunda and Pennsylvania Railroad Company, and to take the bonds of the Company therefor," passed April sixth, eighteen hundred and seventy-two, in advance of the terms and conditions specified in section three of said act as hereinafter provided for. But the first installment of fifty thousand dollars of bonds shall only be issued to complete the section of said road, so as to form a railroad connection between Rosses' crossing and the village of Mount Morris. The second and last installments shall be expended on the next twenty miles of the road where the common council of said city shall direct.

Last installments of city bonds, when to be issued.

Where to be expended.

§ 2. For all bonds of said city, issued by the city hereafter in advance of the terms of the original act, the said railroad company shall deposit with the treasurer of the city of Rochester an equal amount of the first mortgage bonds of said company to be held as collateral, which bonds shall be exchanged for the same amount of second mortgage bonds when the said railroad company shall have complied with the terms of the original act.

First mortgage bonds, as collateral.

§ 3. So much of said original act as is inconsistent with this act is hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 249.

AN ACT in relation to the city of Troy, and the charter thereof.

Passed April 24, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The bond and mortgage executed by the president of the common council of the city of Troy, by direction of said common council, and on behalf of the said city, to Maria V. Hale, for two thousand dollars of principal, with interest bearing date, on the sixteenth day of December, eighteen hundred and seventy, and given in payment for land

Bond and mortgage legalized.

Tax to pay
same.

purchased by said city from said Maria V. Hale for the purpose of public street in said city, are hereby legalized and confirmed; and the board of estimate for said city shall include the amount due and unpaid on said bond and mortgage for principal and interest in their next statement, to be presented to the common council, of the several sums of money to be raised by tax, as provided by section twenty-one of title two of the charter of said city. The money so raised to pay said bond and mortgage shall be raised by a tax upon the taxable property of the whole city, and shall be paid to the owner and holder of said bond and mortgage.

§ 2. All acts and parts of acts inconsistent with this act are, to that extent, hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 250.

AN ACT to legalize the acts and proceedings of the Union Village and Johnsonville Railroad Company done in the name of the Greenwich and Johnsonville Railroad Company.

Passed April 24, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Conveyances, contracts, &c., of railroad company, legalized.

SECTION 1. All acts done, conveyances and contracts made and executed, obligations entered into, and securities made, issued or given by or for the Union Village and Johnsonville Railroad Company, or the board of directors thereof, or by any board of directors, under and in the name of the Greenwich and Johnsonville Railroad Company, since the twenty-seventh day of April, eighteen hundred and sixty-nine, are hereby legalized and confirmed and declared to be as lawful and of the same effect as if all the conditions of an act entitled "An act to allow the directors of the Union Village and Johnsonville Railroad Company to change its corporate name to that of Greenwich and Johnsonville Railroad Company," passed April twenty-seventh, eighteen hundred and sixty-nine, had been complied with, and the corporate name of the company changed to that of Greenwich and Johnsonville Railroad Company; provided that nothing herein shall affect any action or proceeding already commenced or now pending before any court or justice.

Previous.

§ 2. This act shall take effect immediately.

Chap. 251.

AN ACT for the relief of "The Hebrew Benevolent and Orphan Asylum Society of the city of New York," and to authorize changes in conditions of leases to said society.

Passed April 25, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Mayor,
do may

SECTION 1. The mayor, aldermen and commonalty of the city of New York may modify, alter and qualify any grant or conveyance hereto-

are made by them to the Hebrew Benevolent and Orphan Asylum Society of the City of New York, so as to permit and authorize said society to sub-let or lease the whole or any part of the premises so conveyed to said society to enable said society to, and said society may thereupon devote the rents, issues and profits arising therefrom to the maintenance and support of such society, and of the orphans, half-orphans and indigent children under its charge.

grant to Orphan Asylum.

§ 2. This act shall take effect immediately.

Chap. 252.

AN ACT to provide for supplying the village of Owego, in the county of Tioga, with water.

Passed April 25, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. For the purpose of supplying the village of Owego, Tioga county, with pure and wholesome water, the president and trustees of said village shall examine and consider all matters relative to such supply, and shall have power to employ engineers, surveyors, and such other persons, as may be necessary for that purpose, and shall adopt such plans as shall, in their opinion, be most feasible and best for procuring such supply of water, and which shall embrace proper distribution pipes and supplies for all streets and places which, in their opinion, shall be for the interest of said village. For said purpose, said president and trustees may purchase, take and hold any real estate, lands, tenements or hereditaments, water or water power, in the town of Owego, in the town of Tioga, and in the town of Nichols, in said county, for and in the name and behalf of said village, and by their agents or other persons employed, may enter upon the lands of any person or persons of Owego and Tioga and Nichols, and roadways of said towns which may be necessary for such purpose, and take the water from any ponds, springs, rivers, streams or lakes, in said towns, or either of them, and may divert and convey the same to the said village of Owego, and may construct, lay, and keep in repair any buildings, dams, reservoirs, aqueducts, pipes, conduits, or other works or machinery necessary or proper for said purpose, upon any lands, real estate, tenements and hereditaments, so entered upon, purchased, taken or held, and may, as aforesaid, enter upon any lands, streets, highways, roads, lanes and squares, in said town or village of Owego, leaving said lands, streets, highways, roads, lanes and squares in the same condition, as nearly as may be, as they were in before such entry; and shall estimate and ascertain the probable amount of money necessary therefor, and the probable entire cost of such water-works when completed.

President and trustees, their powers, &c., in relation to supply of water.

May purchase real estate, &c

May enter upon lands.

Buildings, dams, reservoirs, &c.

Estimate of cost.

§ 2. Before entering, taking, or using any land or real estate for the purpose of this act, or the use or right of passage through the same, the said president and trustees shall cause a survey and map to be made of the same, on which the land and real estate of each owner, or occupant, shall be designated, which map shall be signed by the president and clerk of said village, and be filed in the office of the clerk of Tioga county. Said president and trustees, and any of their officers, agents or servants, may enter upon any lands for the purpose of making such survey and map, they doing no unnecessary damage.

Survey, map, &c., a condition precedent to right of entry.

When commissioners to appraise damages may be appointed.	§ 3. In all cases in which the president and trustees shall be unable to agree with the persons owning or having an interest in any real estate, lands, tenements or hereditaments, springs, water or water power required for the purposes of this act, or any or either of them, the Supreme Court, at any special term thereof held in the sixth judicial district, shall, on presentation of a petition duly verified, containing a description of the property proposed to be taken, and stating the use to which it is intended to be applied, after ten days' notice of presentation of such petition served, together with a copy thereof, on such persons in the manner prescribed for the service of notice and copy petition by section fourteen of the act entitled "An act to authorize the formation of railroad corporations and regulate the same," passed April second eighteen hundred and fifty, make an order appointing three disinterested citizens of the county of Tioga, or an adjacent county, who shall be freeholders, as commissioners to determine the damage sustained by each of such persons, by reason of the taking or use of his or her real estate, lands, tenements or hereditaments, water or water power, for the purposes of this act, and shall in such order fix the time and place for the first meeting of the commissioners; and in case any party to be affected by the proceedings is an infant, idiot, of unsound mind, and has no general guardian or committee, shall, in such order, appoint a special guardian or committee to attend to the interest of the person in the proceedings. Such commissioners shall take the oath required by the Constitution. Any of them may issue subpoenas and administer oaths to witnesses; a majority of them may adjourn the proceedings before them, from time to time. They shall view the premises described in the petition, and hear the proofs and allegations of the parties, and reduce the testimony, if any, taken by them to writing, and shall estimate and report to said court the several sums which will be a just compensation to such owners or persons interested respectively for the appropriation to the purposes of this act of any property, rights or privileges that may be so required, or for the title or use of any such property. And the minutes of all evidence taken by them shall accompany their report. They shall also determine what sum ought to be paid to the general or special guardian or committee of an infant, idiot or person of unsound mind, for attending to their interest in such proceedings, and said commissioners shall each be entitled to five dollars, for services and expenses, for every day they are actually engaged in the performance of their duties, to be paid by the said president and trustees, except where the owners or persons interested in the property so to be taken fail to have awarded to them more than the amount of compensation offered them by said president and trustees before the appointment of the commissioners, and then to be paid by the said owners or persons interested, or by said president and trustees, to be deducted from the amount awarded. Ten days' notice, in writing, of the time and place of the presentation of said report shall be given to the parties interested. The court may confirm, alter or amend the same, or appoint new commissioners, who shall proceed in like manner with the first commissioners, and whose report shall be final, and shall be confirmed by said court.
Proceedings for appointment of commissioners.	
Their qualifications.	
Time and place of meeting. Guardian ad litem.	
Official oath.	
Proceedings by commissioners.	
Their report.	
Fees of special guardian. Compensation of commissioners.	
By whom to be paid.	
Notice of meeting for confirmation.	
When the village becomes seized of property, &c., and village dis-charged.	§ 4. When the report of the commissioners shall have been confirmed by the said court, the said president and trustees may deposit, as said court, in the order of confirmation, may have directed, or pay to said owner or owners, or person or persons interested, or to such person or persons as the court may, in said order, have directed, the sum or sums mentioned in said report, in full compensation for the property so

required, and thereupon the said village of Owego shall become seized in fee of the property, rights or privileges so acquired, and said president and trustees, and said village shall be forever discharged from all claim by reason of such appropriation or use.

§ 5. The said president and trustees shall have power, and it shall be their duty, to borrow, from time to time, for the purpose of this act, upon the credit of said village of Owego, a sum not exceeding in the whole fifty thousand dollars, and upon such terms of credit of not less than ten nor more than thirty years, as shall seem for the best interest of said village, and at a rate of interest not exceeding seven per cent. per annum; and to secure said loan said president and trustees are authorized to issue bonds of said village, signed by the president and clerk, and sealed with the seal thereof, which bonds shall be made of such amounts respectively as such president and trustees shall think expedient, and shall not be sold for less than par; and the money so borrowed on said bonds shall be appropriated by said trustees to the purposes expressed in this act, and to no other purpose whatever.

President and trustees may borrow money.

Rate of interest.
Bonds.

§ 6. The said president and trustees, and all persons acting under their authority, shall have the right to use the ground or soil of or under any highway, road or street in said towns of Owego, Tioga and Nichols, for the purpose of introducing water into and through all or any parts of said village of Owego, on condition that they shall cause the said highway, road or street to be restored to its former state, or to such state as not to have impaired its usefulness; and such right shall be continued for the purpose of repairing or relaying water pipes or making other necessary repairs, or renewals upon like conditions.

Right to use ground under highway, &c.
Condition

§ 7. The president and trustees of said village are hereby empowered and it shall be their duty to establish rules and regulations for and concerning the use, regulation and operation of said water-works, and may thereby impose penalties and forfeitures for any violation of such rules and regulations; but such penalties or forfeitures shall not in any case exceed fifty dollars. Said president and trustees shall establish a scale of rents to be charged and paid to said village from time to time by the owners or occupants of buildings in said village, for the supply of water, to be called water rents, apportioned to the different classes of buildings in said village in reference to their number of occupants, consumption of water, dimensions, exposure to fire, ordinary or extraordinary uses, for stores, dwelling-houses, shops, hotels, factories, stables or other purposes, and from time to time may either modify, amend, increase or diminish such rents; and said president and trustees or their agents shall be authorized at all proper times to enter into any building or place where water is used from supply pipes, to examine as to the amount of water used, and the manner of using it. And it shall also be the duty of said president and trustees to construct and keep in order such hydrants and other works and fixtures as may seem to them necessary and proper for the use of water in the streets, lanes, and alleys of said village, and for the extinguishment of fires therein.

Trustees to establish rules, &c.
Penalties.

Water rents, how apportioned?

Hydrants, &c.

§ 8. The connection or supply pipes, leading from buildings or other private property to the distribution pipes, shall be inserted and kept in repair at the expense of the owners or occupants of said buildings or other property, and shall not be inserted or connected with the said distribution pipes until a permit therefor shall have been obtained from said president and trustees or their agent duly authorized to grant the same; and all such connecting or supply pipes shall be constructed in the manner directed by said president and trustees or their said agent.

Supply pipes.

assessment to be levied and collected in like manner as other special assessments and taxes are levied and collected in said town.

Report of commissioners to village trustees.

Damages for widening Broadway, how to be assessed.

§ 5. It shall be the duty of said commissioners of construction immediately, upon the passage of this act, to report to the trustees of the village of Saratoga Springs the awards of the appraisers for damages to lands and for lands taken in widening Broadway in pursuance to section five of chapter six hundred and thirty-five of the laws of eighteen hundred and seventy-three, entitled "An act to amend an act entitled 'An act to provide for laying out and improving roads and avenues in the village and town of Saratoga Springs,' passed May twenty-eight eighteen hundred and seventy-three;" and said trustees shall thereupon levy and assess the aggregate sum of said damages (deducting the benefits therefrom), and the expenses and charges attending the same, ratably, according to the assessed valuation of eighteen hundred and seventy-three, upon all property lying on either side of Broadway (except Congress Spring park), between the south side of Congress street and the southerly bounds of the village; also upon all property lying on either side of Ballston avenue, between Broadway and the bounds of the village, toward the Geyser spring, and upon either side of Circular street, between its junction with Broadway and easterly to its junction with South Circular street, opposite the south bounds of Congress park; and to collect such assessment in like manner as other village taxes and assessments for highway purposes are assessed and collected.

Trustees may borrow money.

§ 6. Said trustees are hereby authorized and empowered, immediately upon the passage of this act, to borrow on the credit of the village a sum equal to the amount of said assessment, and apply the same to the payment of said awards for lands and damages as shall appear from the awards of the appraisers now filed with the town clerk of the town of Saratoga Springs, in pursuance of said law hereby authorized.

Work.

§ 7. Immediately upon payment of said awards, said trustees shall proceed to work said Broadway as laid out and widened, and shall put the same in suitable condition for public travel on or before the first day of June, eighteen hundred and seventy-four.

Widening of Ballston avenue legalized.

§ 8. The widening of Ballston avenue to eighty feet in width from South street northerly to Union street, according to the map made and the resolution adopted June twenty-eighth, eighteen hundred and seventy-three, by the commissioners of construction appointed by chapter six hundred and twenty-three of the laws of eighteen hundred and seventy, to lay out and improve the roads and avenues in the village of Saratoga Springs is hereby ratified, legalized and confirmed, and the said avenue, as widened, declared to be a public highway, but all the provisions relating to the assessment of benefits and damages contained in said act, and the acts amendatory thereof, shall apply to this portion of the avenue.

Widening and altering Union avenue legalised.

§ 9. The acts and proceedings of the commissioners of construction in laying out, widening and altering Union avenue, between Nelson avenue and Circular street in the village of Saratoga Springs pursuant to chapter two hundred and ninety-three of the laws of eighteen hundred and seventy-two, entitled "An act to amend the act entitled 'An act to provide for laying out and improving roads and avenues in the village and town of Saratoga Springs,'" are hereby ratified and confirmed as to all acts and proceedings within the limits of said village. And the acts and proceedings of the commissioners of appraisal under said act in appraising land damages and assessing for benefits on account of the laying out, widening, altering or improving Union avenue from said Nelson avenue to Circular street, be and the same are in

Acts of commissioners of appraisal legalised.

all respects ratified and confirmed, and the said benefits assessed by said commissioners are directed to be collected in all respects as if the proceedings of said commissioners of appraisal were in all respects regular.

§ 10. The assessments for benefits made by said commissioners of appraisal shall be collected at the time of collecting taxes for the year eighteen hundred and seventy-four, together with interest thereon from the time of filing the determination of said commissioners of appraisal in the manner provided by chapter six hundred and twenty-three of the laws of eighteen hundred and seventy, entitled "An act to provide for laying out and improving certain streets and avenues in the village and town of Saratoga Springs."

§ 11. This act shall take effect immediately.

Chap. 257.

AN ACT to amend the charter of the village of Saratoga Springs so as to provide for the appointment of a superintendent of public works of the village of Saratoga Springs, and abolishing the office of superintendents of the village and of water-works of said village.

Passed April 27, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The office of village superintendent of the village of Saratoga Springs and the office of superintendent of water-works of the village of Saratoga Springs are hereby abolished, and in lieu of such officer, the office of superintendent of public works is hereby authorized and established. Within three days after the passage of this act, the president of the village of Saratoga Springs shall, by notice published in a daily paper in said village and by another printed notice served upon the members of the board of trustees and the members of the board of water commissioners, call a joint meeting of said boards of trustees and water commissioners to be held at such time and place as said notice shall designate, but within five days after the first publication thereof, which meeting shall be presided over by the president of the village, and the clerk of the village shall act as clerk, and shall be called for the purpose of electing a superintendent of public works. Upon the convening of said parties the members thereof shall proceed to choose a superintendent for public works, who shall be chosen as follows: The clerk of the board of trustees shall act as clerk of such meeting and shall call the name of each member present, and such member shall thereupon openly announce and declare his choice for such superintendent of public works. The person who shall be named by a majority of the trustees of said village and a majority of the water commissioners of said village shall be declared by the presiding officer as superintendent of public works of the village of Saratoga Springs.

§ 2. The superintendent of public works shall hold his office for two years from the first day of May, eighteen hundred and seventy-four, and thereafter the term of office of said superintendent shall be for two years from the first day of May next ensuing his election; and in case of vacancy occurring during the term of office, such vacancy shall

Assessments for benefits.

Superintendent of public works.

How to be elected and by whom.

Term of office.

Vacancy, how filled.

Proviso.

Time within which other roads are to be built.

thence along and across Seneca street to Spring street; thence along Spring street to South Division street; thence along South Division street to Jefferson street; also from the intersection of Ohio and Washington streets, along Washington street so as to connect with the present car-house and stables of the Buffalo Street Railroad Company on the west side of Washington street, between Ohio and Perry streets; also in Niagara street from the termination of the tracks of the Buffalo Street Railroad Company, at or near Amherst street to the south side of the bridge over Cornelius creek in said Niagara street; it being further provided that if the said company shall, within the time now limited by its charter, build its road so as to connect Main street with the present cattle yards of the New York Central and Hudson River Railroad Company, it shall have five years from the date of the passage of this act to build such other roads as by such charter it is authorized to build; after which time its corporate power to build and operate a railroad shall be restricted to the streets, avenues and places in which its track or tracks shall then be constructed, and in such streets, avenues and places as the common council of the city of Buffalo shall thereafter authorize.

§ 2. This act shall take effect immediately.

Chap. 247.

AN ACT to provide for the maintenance of certain convicts in the penitentiaries of Onondaga and Kings counties.

Passed April 24, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Superintendents to make annual return to comptroller.

Contents of return.

Comptroller's warrant.

SECTION 1. The superintendents of the penitentiaries of Onondaga and Kings counties shall make a return, under oath, on the thirtieth day of September of each year hereafter, to the Comptroller of this State, in which they shall fully set forth the name of each convict committed to the penitentiaries under their charge during the preceding year, under or by virtue of "An act in relation to the punishment of crimes in certain cases," passed April eleventh, eighteen hundred and fifty-six, in what court convicted, and before what presiding justice, with the offense for which convicted, and also the date of conviction, length of sentence, and the amount due from the State for the maintenance of such convicts, at the same rate per week as is now paid for the maintenance of convicts sentenced under the same act to confinement in the penitentiaries at Rochester and Buffalo, not to exceed one dollar and fifty cents per week during the time such prisoner is confined in the said penitentiaries. Upon auditing such return the Comptroller shall draw his warrant on the Treasurer of this State, in favor of the superintendents of the said penitentiaries for the amount due for the maintenance of all such convicts during the fiscal year ending on the said thirtieth day of September in each year as provided in said chapter six hundred and sixty-seven of the laws of eighteen hundred and sixty-six.

Chap. 248.

AN ACT to authorize the city of Rochester to issue the last three installments of its bonds in aid of the Rochester, Nunda and Pennsylvania Railroad Company in advance of the terms and conditions specified in the act entitled "An act to authorize the city of Rochester to issue its bonds in aid of the Rochester, Nunda and Pennsylvania Railroad Company, and to take the bonds of the company therefor," passed April sixth, eighteen hundred and seventy-two.

Passed April 24, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The city of Rochester is hereby authorized to issue its last three installments referred to in subdivision two of section three of the act entitled "An act to authorize the city of Rochester to issue its bonds in aid of the Rochester, Nunda and Pennsylvania Railroad Company, and to take the bonds of the Company therefor," passed April sixth, eighteen hundred and seventy-two, in advance of the terms and conditions specified in section three of said act as hereinafter provided for. But the first installment of fifty thousand dollars of bonds shall only be issued to complete the section of said road, so as to form a railroad connection between Rosses' crossing and the village of Mount Morris. The second and last installments shall be expended on the next twenty miles of the road where the common council of said city shall direct.

Last installments of city bonds, when to be issued.

Where to be expended.

§ 2. For all bonds of said city, issued by the city hereafter in advance of the terms of the original act, the said railroad company shall deposit with the treasurer of the city of Rochester an equal amount of the first mortgage bonds of said company to be held as collateral, which bonds shall be exchanged for the same amount of second mortgage bonds when the said railroad company shall have complied with the terms of the original act.

First mortgage bonds, as collateral.

§ 3. So much of said original act as is inconsistent with this act is hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 249.

AN ACT in relation to the city of Troy, and the charter thereof.

Passed April 24, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The bond and mortgage executed by the president of the common council of the city of Troy, by direction of said common council, and on behalf of the said city, to Maria V. Hale, for two thousand dollars of principal, with interest bearing date, on the sixteenth day of December, eighteen hundred and seventy, and given in payment for land

Bond and mortgage legalized.

tax to pay same. purchased by said city from said Maria V. Hale for the purpose of a public street in said city, are hereby legalized and confirmed; and the board of estimate for said city shall include the amount due and unpaid on said bond and mortgage for principal and interest in their next statement, to be presented to the common council, of the several sums of money to be raised by tax, as provided by section twenty-one of title two of the charter of said city. The money so raised to pay said bond and mortgage shall be raised by a tax upon the taxable property of the whole city, and shall be paid to the owner and holder of said bond and mortgage.

§ 2. All acts and parts of acts inconsistent with this act are, to this extent, hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 250.

AN ACT to legalize the acts and proceedings of the Union Village and Johnsonville Railroad Company done in the name of the Greenwich and Johnsonville Railroad Company.

Passed April 24, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Conveyances, contracts, &c., of railroad company, legalized. SECTION 1. All acts done, conveyances and contracts made and executed, obligations entered into, and securities made, issued or given by or for the Union Village and Johnsonville Railroad Company, or the board of directors thereof, or by any board of directors, under and in the name of the Greenwich and Johnsonville Railroad Company, since the twenty-seventh day of April, eighteen hundred and sixty-nine, are hereby legalized and confirmed and declared to be as lawful and of the same effect as if all the conditions of an act entitled "An act to allow the directors of the Union Village and Johnsonville Railroad Company to change its corporate name to that of Greenwich and Johnsonville Railroad Company," passed April twenty-seventh, eighteen hundred and sixty-nine, had been complied with, and the corporate name of the company changed to that of Greenwich and Johnsonville Railroad Company; provided that nothing herein shall affect any action or proceeding already commenced or now pending before any court or justice.

Proviso.

§ 2. This act shall take effect immediately.

Chap. 251.

AN ACT for the relief of "The Hebrew Benevolent and Orphan Asylum Society of the city of New York," and to authorize changes in conditions of leases to said society.

Passed April 25, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Mayor, &c., may alter any

SECTION 1. The mayor, aldermen and commonalty of the city of New York may modify, alter and qualify any grant or conveyance hereto-

fore made by them to the Hebrew Benevolent and Orphan Asylum Society of the City of New York, so as to permit and authorize said society to sub-let or lease the whole or any part of the premises so conveyed to said society to enable said society to, and said society may thereupon devote the rents, issues and profits arising therefrom to the maintenance and support of such society, and of the orphans, half-orphans and indigent children under its charge.

§ 2. This act shall take effect immediately.

Chap. 252.

AN ACT to provide for supplying the village of Owego, in the county of Tioga, with water.

Passed April 25, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. For the purpose of supplying the village of Owego, Tioga county, with pure and wholesome water, the president and trustees of said village shall examine and consider all matters relative to such supply, and shall have power to employ engineers, surveyors, and such other persons, as may be necessary for that purpose, and shall adopt such plans as shall, in their opinion, be most feasible and best for procuring such supply of water, and which shall embrace proper distribution pipes and supplies for all streets and places which, in their opinion, shall be for the interest of said village. For said purpose, said president and trustees may purchase, take and hold any real estate, lands, tenements or hereditaments, water or water power, in the town of Owego, in the town of Tioga, and in the town of Nichols, in said county, for and in the name and behalf of said village, and by their agents or other persons employed, may enter upon the lands of any person or persons of Owego and Tioga and Nichols, and roadways of said towns which may be necessary for such purpose, and take the water from any ponds, springs, rivers, streams or lakes, in said towns, or either of them, and may divert and convey the same to the said village of Owego, and may construct, lay, and keep in repair any buildings, dams, reservoirs, aqueducts, pipes, conduits, or other works or machinery necessary or proper for said purpose, upon any lands, real estate, tenements and hereditaments, so entered upon, purchased, taken or held, and may, as aforesaid, enter upon any lands, streets, highways, roads, lanes and squares, in said town or village of Owego, leaving said lands, streets, highways, roads, lanes and squares in the same condition, as nearly as may be, as they were in before such entry; and shall estimate and ascertain the probable amount of money necessary therefor, and the probable entire cost of such water-works when completed.

§ 2. Before entering, taking, or using any land or real estate for the purpose of this act, or the use or right of passage through the same, the said president and trustees shall cause a survey and map to be made of the same, on which the land and real estate of each owner, or occupant, shall be designated, which map shall be signed by the president and clerk of said village, and be filed in the office of the clerk of Tioga county. Said president and trustees, and any of their officers, agents or servants, may enter upon any lands for the purpose of making such survey and map, they doing no unnecessary damage.

grant to
Orphan
Asylum.

President
and trustees,
their
powers,
&c., in re-
lation to
supply of
water.

May pur-
chase real
estate, &c

May enter
upon
lands.

Buildings,
dams, res-
ervoirs,
&c.

Estimate
of cost.

Survey,
map, &c.,
a condi-
tion pre-
cedent to
right of
entry.

When commissioners to appraise damages may be appointed.

Proceedings for appointment of commissioners.

Their qualifications.

Time and place of meeting. Guardian ad litem.

Official oath.

Proceedings by commissioners.

Their report.

Fees of special guardian. Compensation of commissioners.

By whom to be paid.

Notice of meeting for confirmation.

When the village becomes seized of property, &c., and village discharged.

§ 3. In all cases in which the president and trustees shall be unable to agree with the persons owning or having an interest in any real estate, lands, tenements or hereditaments, springs, water or water power required for the purposes of this act, or any or either of them, the Supreme Court, at any special term thereof held in the sixth judicial district, shall, on presentation of a petition duly verified, containing a description of the property proposed to be taken, and stating the use to which it is intended to be applied, after ten days' notice of presentation of such petition served, together with a copy thereof, on such persons, in the manner prescribed for the service of notice and copy petition by section fourteen of the act entitled "An act to authorize the formation of railroad corporations and regulate the same," passed April second, eighteen hundred and fifty, make an order appointing three disinterested citizens of the county of Tioga, or an adjacent county, who shall be freeholders, as commissioners to determine the damage sustained by each of such persons, by reason of the taking or use of his or her real estate, lands, tenements or hereditaments, water or water power, for the purposes of this act, and shall in such order fix the time and place for the first meeting of the commissioners; and in case any party to be affected by the proceedings is an infant, idiot, of unsound mind, and has no general guardian or committee, shall, in such order, appoint a special guardian or committee to attend to the interest of the person in the proceedings. Such commissioners shall take the oath required by the Constitution. Any of them may issue subpoenas and administer oaths to witnesses; a majority of them may adjourn the proceedings before them, from time to time. They shall view the premises described in the petition, and hear the proofs and allegations of the parties, and reduce the testimony, if any, taken by them to writing, and shall estimate and report to said court the several sums which will be a just compensation to such owners or persons interested respectively for the appropriation to the purposes of this act of any property, rights or privileges that may be so required, or for the title or use of any such property. And the minutes of all evidence taken by them shall accompany their report. They shall also determine what sum ought to be paid to the general or special guardian or committee of an infant, idiot or person of unsound mind, for attending to their interest in such proceedings, and said commissioners shall each be entitled to five dollars, for services and expenses, for every day they are actually engaged in the performance of their duties, to be paid by the said president and trustees, except where the owners or persons interested in the property so to be taken fail to have awarded to them more than the amount of compensation offered them by said president and trustees before the appointment of the commissioners, and then to be paid by the said owners or persons interested, or by said president and trustees, to be deducted from the amount awarded. Ten days' notice, in writing, of the time and place of the presentation of said report shall be given to the parties interested. The court may confirm, alter or amend the same, or appoint new commissioners, who shall proceed in like manner with the first commissioners, and whose report shall be final, and shall be confirmed by said court.

§ 4. When the report of the commissioners shall have been confirmed by the said court, the said president and trustees may deposit, as said court, in the order of confirmation, may have directed, or pay to said owner or owners, or person or persons interested, or to such person or persons as the court may, in said order, have directed, the sum or sums mentioned in said report, in full compensation for the property so

required, and thereupon the said village of Owego shall become seized in fee of the property, rights or privileges so acquired, and said president and trustees, and said village shall be forever discharged from all claim by reason of such appropriation or use.

§ 5. The said president and trustees shall have power, and it shall be their duty, to borrow, from time to time, for the purpose of this act, upon the credit of said village of Owego, a sum not exceeding in the whole fifty thousand dollars, and upon such terms of credit of not less than ten nor more than thirty years, as shall seem for the best interest of said village, and at a rate of interest not exceeding seven per cent. per annum; and to secure said loan said president and trustees are authorized to issue bonds of said village, signed by the president and clerk, and sealed with the seal thereof, which bonds shall be made of such amounts respectively as such president and trustees shall think expedient, and shall not be sold for less than par; and the money so borrowed on said bonds shall be appropriated by said trustees to the purposes expressed in this act, and to no other purpose whatever.

President and trustees may borrow money.

Rate of interest.

Bonds.

§ 6. The said president and trustees, and all persons acting under their authority, shall have the right to use the ground or soil of or under any highway, road or street in said towns of Owego, Tioga and Nichols, for the purpose of introducing water into and through all or any parts of said village of Owego, on condition that they shall cause the said highway, road or street to be restored to its former state, or to such state as not to have impaired its usefulness; and such right shall be continued for the purpose of repairing or relaying water pipes or making other necessary repairs, or renewals upon like conditions.

Right to use ground under highway, &c.

Condition

§ 7. The president and trustees of said village are hereby empowered and it shall be their duty to establish rules and regulations for and concerning the use, regulation and operation of said water-works, and may thereby impose penalties and forfeitures for any violation of such rules and regulations; but such penalties or forfeitures shall not in any case exceed fifty dollars. Said president and trustees shall establish a scale of rents to be charged and paid to said village from time to time by the owners or occupants of buildings in said village, for the supply of water, to be called water rents, apportioned to the different classes of buildings in said village in reference to their number of occupants, consumption of water, dimensions, exposure to fire, ordinary or extraordinary uses, for stores, dwelling-houses, shops, hotels, factories, stables or other purposes, and from time to time may either modify, amend, increase or diminish such rents; and said president and trustees or their agents shall be authorized at all proper times to enter into any building or place where water is used from supply pipes, to examine as to the amount of water used, and the manner of using it. And it shall also be the duty of said president and trustees to construct and keep in order such hydrants and other works and fixtures as may seem to them necessary and proper for the use of water in the streets, lanes, and alleys of said village, and for the extinguishment of fires therein.

Trustees to establish rules, &c.

Penalties.

Water rents, how apportioned.

Hydrants, &c.

§ 8. The connection or supply pipes, leading from buildings or other private property to the distribution pipes, shall be inserted and kept in repair at the expense of the owners or occupants of said buildings or other property, and shall not be inserted or connected with the said distribution pipes until a permit therefor shall have been obtained from said president and trustees or their agent duly authorized to grant the same; and all such connecting or supply pipes shall be constructed in the manner directed by said president and trustees or their said agent.

Supply pipes.

Annual
receipts
for water
rents, how
applied.

§ 9. The entire annual receipts for water rents after deducting therefrom such sums as may be necessary to defray the expenses of repair of said water-works and extending the same, and other necessary expenses connected therewith, and the proper supply of water to said village, shall be applied toward the payment of the interest on the loans on bonds hereinbefore authorized, and also toward the creation of a sinking fund for the payment of the principal of said loan, as it shall become payable, which sinking fund shall be under the management of said trustees, and shall be invested from time to time, and as often as may reasonably be, in said bonds, or other bonds of said village or of the county of Tioga, or in stocks of the State of New York or of the United States, until the same shall be wanted for the payment of the interest or principal above specified.

Sinking
fund.

Deficien-
cy to be
applied
by tax.

§ 10. In case the entire receipts for water rents, after making the deduction as above, in the last section provided, shall in any year not be sufficient to pay the interest for that year on the bonds hereinbefore authorized to be issued, or in case in any year when any of the principal of the loan secured by said bonds falls due, the amount of said receipts for water rents, after making such deduction, together with the sum in the sinking fund, shall not be sufficient to pay said interest and said principal so falling due, then it shall be the duty of said trustees to cause an amount sufficient to pay such deficiency to be assessed, levied and collected in addition to other taxes, on and from the taxable property of said village, at the same time and in the same manner as the other taxes of said village are assessed, levied and collected, and the amount so raised shall be applied to the payment of said interest or principal or both, or the deficiency thereof not otherwise provided for. And in case, upon the completion of said water-works, it should be found that any of the fire-engines or other machinery, apparatus or property for extinguishing fires, belonging to said village, shall, by reason of such water-works, become unnecessary, said trustees shall sell the same and apply the proceeds therefrom to the payment of such interest or principal, or pay the same into said sinking fund.

Fire en-
gines,
&c., may
be sold.

Notice to
be given
inviting
proposals.

§ 11. Said president and trustees, as soon as the plans for the construction of such water-works shall have been determined upon, shall give public notice for at least four weeks, and once in each week in two newspapers published in said village, and also in the State paper of the work required to be done in the construction of said water-works, giving the specifications therefore* and inviting proposals for the performance of such works or any part of the same, and for furnishing materials therefor or any part of the same, such proposals to be sealed and accompanied by such sureties for faithful performance and under such forfeiture as said president and trustees may deem expedient; and upon the acceptance of any such proposal such president and trustees may enter into and execute such contract as they may deem proper for the faithful performance of such work or the furnishing of such material. But said president and trustees may in their discretion reject any or all of such proposals as shall be for the interest of said village; said president and trustees may also appoint a superintendent of such water-works both for and during their construction* and their subsequent management, and prescribe his duties and powers, and who shall hold his office during the pleasure of, and whose compensation shall be fixed by, said president and trustees, and they may employ such agents and

Contract.

Superin-
tendent of
water-
works
may be
appoint-
ed.

* So in original.

assistants as they may deem necessary to execute any of the duties required of them.

§ 12. The president and trustees of said village, or either of them, shall take no steps to carry out the provisions of this act beyond what is necessary to procure an estimate of the cost of said water-works as hereinbefore provided, and it shall not be lawful for them to do so until the same shall be approved by a majority of the voters of said village, voting by ballot at a special election to be called by said president and trustees, and held within two years after the passage of this act, by giving at least two weeks' notice before such election, by posting such notice in at least six public and conspicuous places in said village, and by publication in all the newspapers of said village for two weeks. The polls at such election shall be open during the same hours, and said election be in all things conducted as are the annual elections for trustees in said village. The ballots received at said election shall be indorsed "Water-works," and, in order to be canvassed, shall contain the words "In favor of bonding for water-works," or the words "Opposed to bonding for water-works." If a majority of the ballots canvassed shall contain the words "In favor of bonding for water-works," then the approval above mentioned shall be considered as having been obtained; otherwise not. A certificate of the result of said election shall be filed by the canvassers thereof in the office of the county clerk of Tioga county, and another like certificate in the office of the clerk of said village, and copied into his minutes, within five days after said election. In case, at the election so held, such approval shall not be obtained, it shall be lawful for said president and trustees, in like manner, to call a subsequent election, in all respects to be called, held and conducted as prescribed for said first election, and with the like effect; but no such subsequent election shall be held within one year of the time of holding said first election.

Approval of voters.

Notice of special election.

Election, how to be conducted.

Ballots.

Certificate of result to be filed.

Subsequent election may be called.

§ 13. This act shall take effect immediately.

Chap. 253.

AN ACT relative to the care and education of deaf mutes.

Passed April 25, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any parent, guardian or friend of any deaf mute child within this State, over the age of six years and under the age of twelve years, may make application to the supervisor of the town or city where such child may be, for a permit or order to place such child in the New York Institution for the Deaf and Dumb or in the Institution for the Improved Instruction of Deaf Mutes, or in any of the deaf mute institutions of this State, and it shall be the duty of such supervisor, if in his judgment the means of the child, or the parents or parent of such child, will not enable them to defray the expense in a public institution, to grant such permit or order and to cause said child to be received and placed in such one of the institutions of this State for the education of deaf mutes, as the said supervisor shall select.

Application by parent, guardian, &c.

Duty of supervisor.

Chap. 254.

AN ACT to authorize the Genesee and Water Street Railroad Company to extend its track in the city of Syracuse.

Passed April 25, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Railway
company
may ex-
tend
track.

Consent
by com-
mon coun-
cil, &c.

SECTION 1. The Genesee and Water Street Railroad Company is hereby authorized to extend its railroad track from its present terminus in Genesee street, in the city of Syracuse, through East Genesee street to the city line, or along Genesee street to East avenue, thence through and along East avenue to the city line of the said city or through East Genesee street, and Westcott street to East avenue, and to run its cars over the same whenever the consent of the common council of said city, and of three-fourths of the property owners bordering on said streets, along said proposed extension, shall have been obtained in writing.

§ 2. This act shall take effect immediately.

Chap. 255.

AN ACT in relation to the Johnstown, Gloversville and Kingsboro Horse Railroad Company, to regulate the weight of rails to be laid, the amount of fare to be charged, and to release the amount of capital stock requisite to authorize said company to acquire a right of way.

Passed April 25, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Weight of
rails.

Fare.

Privil-
eges,
when
company
entitled
to.

Use of
steam and
the carry-
ing of
freight
prohibit-
ed.

SECTION 1. The Johnstown, Gloversville and Kingsboro Horse Railroad Company in the county of Fulton, heretofore organized under the "Act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, and the several acts additional thereto and amendatory thereof, is hereby authorized in the construction of its road to use rails of not less than twenty-five pounds weight per lineal yard ; and the said company is authorized to charge and receive five cents fare for each mile or fractional part thereof for each passenger.

§ 2. The said railroad company shall be entitled to all the privileges of said act, passed April second, eighteen hundred and fifty, and of the said additional and amendatory acts, whenever five thousand dollars for every mile of its railroad proposed to be constructed, is in good faith subscribed toward its capital stock, and ten per cent. thereon paid in good faith.

§ 3. The said railroad company is hereby prohibited from using steam as a motive power on said railroad or from transporting or conveying freight thereon, and is hereby restricted to the business of taking and conveying persons or passengers over the said railroad in street railroad cars, by the power or force of animals.

§ 4. This act shall take effect immediately.

Chap. 256.

AN ACT to amend an act entitled "An act to provide for laying out and improving roads and avenues in the village and town of Saratoga Springs," passed May fifth, eighteen hundred and seventy.

Passed April 27, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The commissioners of construction now acting under the provisions of the law entitled "An act to provide for laying out and improving roads and avenues in the village and town of Saratoga Springs," are hereby authorized and empowered to cause to be sprinkled with water, for the purpose of keeping the same free from dust, such streets and avenues in the village of Saratoga Springs as a majority of said commissioners shall consider for the best interest of said village during such portions of the months of June, July, August and September as they shall deem proper. Sprinkling of streets.

§ 2. A majority of the inhabitants or occupants upon any street or avenue in said village may petition said commissioners of construction asking that any portion of any designated street or avenue be sprinkled in order to keep the same free from dust. Said commissioners, upon receipt of such petition, shall cause said portion of said street or avenue to be sprinkled and kept free from dust. Petition.

§ 3. The cost and expense of sprinkling such streets and avenues of said village as such commissioners of construction shall cause to be sprinkled, as herein specified, shall be by said commissioners reported to the trustees of the village of Saratoga Springs, who shall assess the same upon the property located on the streets and avenues so sprinkled, and the same shall be collected in the same manner as highway taxes are assessed and collected in said village; but, in making such assessment, said trustees are hereby authorized to assess any portion of said expense which they may deem equitable upon the property of the village or upon any specific piece or parcel of property which said trustees may deem to have been specially benefited by said sprinkling of streets as aforesaid; but, except in making such special assessments, said trustees shall assess property ratably according to its assessed valuation. But said trustees are hereby authorized to modify or remit any specified assessment when, upon application of the owner of the property so assessed, it shall appear that no benefit has been derived, or that the assessed valuation is not a proper rate upon which to base such assessment. Cost, how paid.

§ 4. Said commissioners of construction are hereby authorized, upon application to them, by petition, of the inhabitants of said village or town, to cause to be sprinkled during any special occasion, not exceeding ten days, stated in said petition, any avenue specified in such petition lying beyond the limits of said village, and said commissioners are hereby authorized to assess the cost of such sprinkling upon such specific property and against such specially designated persons as they shall deem just and equitable, and they shall report such assessment to the supervisor of the town of Saratoga Springs, on or before the first day of November in each year, and said supervisor shall cause said special Trustees may assess equitable portion upon the village, &c. Modification, &c., of assessment. Sprinkling may be done upon special occasion. Cost thereof.

Joint meeting of trustees and commissioners.

be filled in like manner as an original election within ten days after the occurrence of such vacancy. A joint meeting of said board of trustees and commissioners of water-works shall be held at the call of the president of the village, at least ten days nor more than twenty days before the first day of May, on which the term of office of the superintendent of public works shall expire, for the purpose of choosing a successor in such office.

Duties of superintendent of public works.

Rules and regulations.

Superintendent may be removed.

His official bond.

Hissalary.
How to be paid.

To receive no other fee.
Not to be interested

§ 3. The duties of said superintendent of public works shall be the same as those now prescribed by the charter of Saratoga Springs and the by-laws thereof and rules and regulations prescribed for the management of the water-works of said village as pertaining to and devolving upon the superintendent of the village, and the superintendent of the water-works of said village severally, and he shall also perform such additional duties pertaining to the avenues and streets within the village and town of Saratoga Springs as the avenue commissioners authorized under and by virtue of the law entitled "An act to provide for laying out certain avenues and streets in the town and village of Saratoga Springs" shall assign to him. The said board of trustees and commissioners of the water-works may meet jointly at any time, and may prescribe such rules and regulations for defining and specifying the duties of said superintendent of public works as may be deemed suitable for the proper control and care of the water mains, pipes, hydrants and the streets and avenues of said village, and they may prescribe regulations for laying water pipes, and any excavation in the streets for such purpose, and also for the purpose of laying gas pipes, and gas pipes shall not be laid in any street without consent of said superintendent of public works and in pursuance to regulations made by him. At any such meeting said trustees and commissioners of the water-works may remove the superintendent of public works from office for cause, by a vote of a majority of said trustees, and of said commissioners.

§ 4. Said superintendent of public works shall, before entering upon the duties of his office, execute to the village of Saratoga Springs, in such form as the officers by whom he is appointed shall prescribe, a bond or undertaking in the sum of ten thousand dollars, conditioned for the faithful discharge of his duties, the prompt and proper accounting for all moneys which shall come into his hands, the mode of expenditure and the proper vouchers therefor, that he will not in any manner, directly or indirectly, be interested pecuniarily in any contract, materials, work or labor furnished, or any other matter or thing pertaining to his office, with sufficient sureties who shall duly justify, which bond shall be filed with the receiver of taxes and assessments of the town and village of Saratoga Springs.

§ 5. Said superintendent shall receive for his services an annual salary of one thousand dollars, one-half of said salary to be paid from the revenue of the water-works in like manner as the salary of the late superintendent of water-works is paid, and one-half from the funds of the village in same manner as the salary of the late superintendent of the village was paid, and said officer so appointing such superintendent may, at any joint meeting of such officers, audit and allow upon proper vouchers a further sum, not exceeding three hundred dollars, for the necessary official expenses of said superintendent, to be paid in like proportions and manner as his salary is paid, and said superintendent of public works shall receive no other fee or allowance or compensation, and shall not take any contract for work, labor or materials nor be interested pecuniarily, directly or indirectly, in any contract, work,

materials, supplies, team work or other matter connected with said public work of said village, town, or the water-works of said village, and in case of a violation of the requirements or provisions of this act he shall be deemed guilty of a misdemeanor. in contract, &c. Misdemeanor.

§ 6. Before said superintendent shall receive any portion of his said salary or compensation, he shall make oath and execute an affidavit that he has not in any manner been interested pecuniarily in any contract, work, materials or other matter connected with his official duties, as prescribed by this act, which oath or affidavit shall be filed with the receiver of taxes and assessments of said town or village. Said superintendent shall publish a statement monthly, setting forth all receipts and expenditures of moneys, with items and details made by said superintendent, during said month, in a newspaper published in said village. Affidavit. Statement to be published.

§ 7. No trustee nor the president of the village of Saratoga Springs shall be appointed or be eligible to the office of commissioner of the water-works of said village. Trustees, &c., not eligible.

§ 8. This act shall take effect immediately.

Chap. 258.

AN ACT to amend an act entitled "An act to authorize the sale of real estate, in which a widow is or shall be entitled to dower in satisfaction and discharge thereof," passed May six, eighteen hundred and seventy.

Passed April 27, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section two of an act entitled "An act to authorize the sale of real estate, in which a widow is or shall be entitled to dower in satisfaction and discharge thereof," passed May sixth, eighteen hundred and seventy, is hereby amended so as to read as follows :

§ 2. The court in any such action shall also have authority to direct that all taxes, assessments and water rates which are liens upon the real estate so adjudged to be sold, at the time of the sale thereof, be paid out of the proceeds of such sale, and to direct that the sheriff or referee making the sale, with and out of such proceeds of sale, redeem such real estate from all sales thereof for unpaid taxes, assessments or water rates. The plaintiff in any such action, if a sale of real estate shall be adjudged therein, shall be entitled to recover her costs and disbursements of such action, to be paid out of the proceeds of such sale. It shall not be necessary to make any creditor having a lien on the premises in question, or upon any part thereof, or upon the undivided share or interest of any party to the action by judgment, decree, mortgage or otherwise, a party to such action, nor if any part of such premises shall be actually admeasured or assigned to the plaintiff in satisfaction of her dower, shall the lien of such creditor be altered, impaired or affected thereby so far as regards the remainder of said premises not set apart or assigned to such plaintiff, but such lien shall continue on the remainder of such premises or of such undivided share therein, and in case the court shall deem that a sale of such real estate is for the best interest of the parties to said action, and shall so direct them, all subsequent proceedings in said action shall be con- Court may direct taxes, &c., to be paid. Costs. Creditor not a necessary party. Lien, how affected.

be filled in like manner as an original election within ten days after the occurrence of such vacancy. A joint meeting of said board of trustees and commissioners of water-works shall be held at the call of the president of the village, at least ten days nor more than twenty days before the first day of May, on which the term of office of the superintendent of public works shall expire, for the purpose of choosing a successor in such office.

Joint meeting of trustees and commissioners.

Duties of superintendent of public works.

§ 3. The duties of said superintendent of public works shall be the same as those now prescribed by the charter of Saratoga Springs and the by-laws thereof and rules and regulations prescribed for the management of the water-works of said village as pertaining to and devolving upon the superintendent of the village, and the superintendent of the water-works of said village severally, and he shall also perform such additional duties pertaining to the avenues and streets within the village and town of Saratoga Springs as the avenue commissioners authorized under and by virtue of the law entitled "An act to provide for laying out certain avenues and streets in the town and village of Saratoga Springs" shall assign to him. The said board of trustees and commissioners of the water-works may meet jointly at any time, and may prescribe such rules and regulations for defining and specifying the duties of said superintendent of public works as may be deemed suitable for the proper control and care of the water mains, pipes, hydrants and the streets and avenues of said village, and they may prescribe regulations for laying water pipes, and any excavation in the streets for such purpose, and also for the purpose of laying gas pipes, and gas pipes shall not be laid in any street without consent of said superintendent of public works and in pursuance to regulations made by him. At any such meeting said trustees and commissioners of the water-works may remove the superintendent of public works from office for cause, by a vote of a majority of said trustees, and of said commissioners.

Rules and regulations.

Superintendent may be removed.

His official bond.

§ 4. Said superintendent of public works shall, before entering upon the duties of his office, execute to the village of Saratoga Springs, in such form as the officers by whom he is appointed shall prescribe, a bond or undertaking in the sum of ten thousand dollars, conditioned for the faithful discharge of his duties, the prompt and proper accounting for all moneys which shall come into his hands, the mode of expenditure and the proper vouchers therefor, that he will not in any manner, directly or indirectly, be interested pecuniarily in any contract, materials, work or labor furnished, or any other matter or thing pertaining to his office, with sufficient sureties who shall duly justify, which bond shall be filed with the receiver of taxes and assessments of the town and village of Saratoga Springs.

His salary.
How to be paid.

§ 5. Said superintendent shall receive for his services an annual salary of one thousand dollars, one-half of said salary to be paid from the revenue of the water-works in like manner as the salary of the late superintendent of water-works is paid, and one-half from the funds of the village in same manner as the salary of the late superintendent of the village was paid, and said officer so appointing such superintendent may, at any joint meeting of such officers, audit and allow upon proper vouchers a further sum, not exceeding three hundred dollars, for the necessary official expenses of said superintendent, to be paid in like proportions and manner as his salary is paid, and said superintendent of public works shall receive no other fee or allowance or compensation, and shall not take any contract for work, labor or materials nor be interested pecuniarily, directly or indirectly, in any contract, work,

To receive no other fee.
Not to be interested

materials, supplies, team work or other matter connected with said public work of said village, town, or the water-works of said village, and in case of a violation of the requirements or provisions of this act he shall be deemed guilty of a misdemeanor.

§ 6. Before said superintendent shall receive any portion of his said salary or compensation, he shall make oath and execute an affidavit that he has not in any manner been interested pecuniarily in any contract, work, materials or other matter connected with his official duties, as prescribed by this act, which oath or affidavit shall be filed with the receiver of taxes and assessments of said town or village. Said superintendent shall publish a statement monthly, setting forth all receipts and expenditures of moneys, with items and details made by said superintendent, during said month, in a newspaper published in said village.

§ 7. No trustee nor the president of the village of Saratoga Springs shall be appointed or be eligible to the office of commissioner of the water-works of said village.

§ 8. This act shall take effect immediately.

Chap. 258.

AN ACT to amend an act entitled "An act to authorize the sale of real estate, in which a widow is or shall be entitled to dower in satisfaction and discharge thereof," passed May six, eighteen hundred and seventy.

Passed April 27, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section two of an act entitled "An act to authorize the sale of real estate, in which a widow is or shall be entitled to dower in satisfaction and discharge thereof," passed May sixth, eighteen hundred and seventy, is hereby amended so as to read as follows :

§ 2. The court in any such action shall also have authority to direct that all taxes, assessments and water rates which are liens upon the real estate so adjudged to be sold, at the time of the sale thereof, be paid out of the proceeds of such sale, and to direct that the sheriff or referee making the sale, with and out of such proceeds of sale, redeem such real estate from all sales thereof for unpaid taxes, assessments or water rates. The plaintiff in any such action, if a sale of real estate shall be adjudged therein, shall be entitled to recover her costs and disbursements of such action, to be paid out of the proceeds of such sale. It shall not be necessary to make any creditor having a lien on the premises in question, or upon any part thereof, or upon the undivided share or interest of any party to the action by judgment, decree, mortgage or otherwise, a party to such action, nor if any part of such premises shall be actually admeasured or assigned to the plaintiff in satisfaction of her dower, shall the lien of such creditor be altered, impaired or affected thereby so far as regards the remainder of said premises not set apart or assigned to such plaintiff, but such lien shall be a charge on the remainder of such premises or of such undivided interest therein, and in case the court shall deem that a sale of such real estate is for the best interest of the parties to said action, and shall so adjudge them, all subsequent proceedings in said action shall be con-

Provisions
of R. S.
made ap-
plicable.

cluded in accordance with the provisions of title three of chapter five of the third part of the Revised Statutes, entitled "Of the partition of lands owned by several persons," as amended, altered or modified by the several acts passed subsequent thereto, and the provisions of said title as so amended, altered and modified for the purposes of such sale and the distribution of the proceeds thereof are made applicable to the proceedings in such action.

§ 2. This act shall take effect immediately.

Chap. 259.

AN ACT to extend the time for organization and the terms of office and powers of the incorporators and board of directors of the Troy, Lansingburgh and Cohoes Bridge Company, and to amend chapter three hundred and twenty-one of the laws of the State of New York, entitled "An act to incorporate the Troy, Lansingburgh and Cohoes Bridge Company, for the purpose of constructing and maintaining a bridge, appurtenances and approaches to the same, over the Hudson river, from some point on Van Schaick's Island, in the city of Cohoes, to some point in the village of Lansingburgh, south of Bolton's brewery on said river," passed April twenty-third, eighteen hundred and seventy-two.

Passed April 27, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of chapter three hundred and twenty-one of the laws of the State of New York, entitled "An act to incorporate the Troy, Lansingburgh and Cohoes Bridge Company, for the purpose of constructing and maintaining a bridge, appurtenances and approaches to the same over the Hudson river, from some point on Van Schaick's Island, in the city of Cohoes, to some point in the village of Lansingburgh, south of Bolton's brewery on said river," passed April twenty-third, eighteen hundred and seventy-two, is hereby amended so as to read as follows :

Corpora-
tors.

§ 1. Charles Eddy, Joseph B. Wilkinson, Joseph W. Fuller, Samuel O. Gleason, Gates H. Barnard, William E. Kisselburgh, and Francis J. Molloy of the city of Troy, and C. W. Snyder, of the town of Pittstown ; Daniel McElwain, of the city of Cohoes ; Samuel Adams, Augustus A. Peebles and John H. Campbell, and Robert Dickson of the village of Lansingburgh ; and William L. Adams and Sheffield Hayward, and Charles H. Adams of the city of Cohoes, and their associates, are hereby

Corporate
name.

created a body politic and corporate, by the name and style of the Troy, Lansingburgh and Cohoes Bridge Company, for the purpose of constructing and maintaining a permanent bridge, appurtenances and avenues of approach thereto, for the purposes of travel and transportation to and from the east and west banks of the Hudson river, from some point on Van Schaick's Island, in the city of Cohoes, to some point in the village of Lansingburgh, not north of Bolton's brewery nor south

Objects.

of Mill street, on said river, and as such corporations are invested with all the powers and privileges and are subject to all the liabilities conferred and imposed by title three chapter eighteen of part one of the Revised Statutes.

General powers and liabilities.

§ 2. Section three of said act is hereby amended so as to read as follows :

§ 3. The capital stock of said corporation shall be one hundred thousand dollars, divided into shares of one hundred dollars each. The directors of such corporation may at any time, with the consent in writing of stockholders holding a majority of the stock, increase such capital. The shares shall be deemed personal property, and may be transferred in such a manner as shall be provided by the by-laws of the corporation. Rails may be laid upon the said bridge and on the avenues of approach to the same, for the passage of horse cars, in such manner as the directors may deem proper, and under such agreement and compensation and on such terms in all respects as may be agreed upon with any horse railroad corporation. The directors of the corporation hereby created, may issue full paid stock for the purpose of purchasing property, both real and personal, and also for the employment of labor and services, professional and otherwise, necessary for the purposes of the corporation, to the amount of the value thereof ; and the stock so issued shall not be liable to any further assessments, neither shall the holders thereof be liable for any other payments on such stock under the provisions of this act ; but in all books and statements of the corporation hereby created, such stock shall not be stated as being cash paid into the corporation, but shall be stated according to the fact.

Capital stock.

May be increased.

Stock may be issued to purchase property, &c.

Not liable to further assessment.

How to be stated.

§ 3. Section four of said act is hereby amended so as to read as follows :

§ 4. The persons named in the first section of this act shall constitute the first board of directors of the corporation hereby created, and shall hold their places as such until the first Monday of June, eighteen hundred and seventy-five, and until others shall be elected in their stead ; and a majority of them may, at any meeting of their board at any time hereafter, designate three or more of their number to open books, after ten days' previous public notice, in one paper published in the city of Troy and one in the city of Cohoes and one in the village of Lansingburgh, as often as such papers are published during said period of ten days, to receive subscriptions to the capital stock of the corporation hereby created, at such place or places, and under such regulations, in all respects, as said board of directors may prescribe ; and in case of an excess of subscriptions, they may apportion the stock among the subscribers in such manner as they shall deem most likely to promote the interests of the corporation hereby created, by or in the speedy erection of said bridge, and the construction of its appurtenances and avenues of approach. The books, when opened as herein provided, shall remain open at least through the business hours of the day, so that all persons may have a fair opportunity of subscribing ; and at the time of subscribing, an installment, to an amount to be fixed upon by the directors and stated in said books (of not less than five per cent.), on each share shall be paid in, or such subscription shall not be received. The number of directors after the time last mentioned, namely, the first Monday in June, eighteen hundred and seventy-five, shall not be less than thirteen nor more than twenty-one, to be fixed upon in the by-laws of the corporation hereby created. An election of directors shall take place on the first Monday in June, eighteen hundred and seventy-four, and annually thereafter on that day, at an hour and place to be designated

First board of directors, term of office of.

May open books of subscription.

Excess of subscriptions.

Not less than five per cent. must be paid in at time of subscription.

Election of directors.

If election
not held
on day
designat-
ed, may
be after-
ward.

Vacancies,
how
filled.

in the by-laws, and the persons then elected by a majority of the shares voted upon by the stockholders, in person or by proxy, shall constitute the directors for the then ensuing year, and till others shall be elected in their places. And in case it shall happen at any time that an election of directors shall not be made on the day herein designated, it shall be lawful to hold such election on some day thereafter, on full and reasonable notice to the stockholders. All vacancies which shall occur in the board of directors, by death, resignation, mental incapacity or otherwise, shall be filled by appointment of a majority of the remaining members, for the balance of the term then vacated. A majority of said board shall form and constitute a quorum.

§ 4. This act shall take effect immediately.

Chap. 260.

AN ACT to amend an act entitled "An act to extend the powers of boards of supervisors, except in the counties of New York and Kings," passed May eleventh, eighteen hundred and sixty-nine.

Passed April 27, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of an act entitled "An act to extend the powers of boards of supervisors, except in the counties of New York and Kings," passed May eleventh, eighteen hundred and sixty-nine, is hereby amended so as to read as follows:

Money
may be
borrowed
for high-
way pur-
poses in
any town.

§ 1. The boards of supervisors of each county in this State, except New York and Kings, shall have power, at their annual meeting, or at any other regular meeting, to authorize the supervisor of any town in said county, by and with the consent of the commissioner or commissioners of highways, town clerk and justices of the peace of such town, to borrow such sum of money, for and on the credit of each town, not exceeding, however, in any year, the amount of one-half of one per cent. on the assessed valuation of the taxable property of the town for such year, as the said town officers may deem necessary to build or repair any road or roads, or bridge or bridges in such town, or which shall be partly in such town and partly in an adjoining town, or to pay any existing debt incurred in good faith by or on behalf of such town for such purpose, before the passage of this act; and the said board of supervisors shall have power to prescribe the form of obligation to be issued on any such loan, and the time and place of payment, the time not to exceed ten years from the date of such obligation and the rate of interest thereon not exceeding seven per cent. per annum. And the said board of supervisors shall have power, and it shall be their duty, from time to time, as the said obligations shall become due and payable, to impose upon the taxable property of such town sufficient tax to pay the said principal and interest of such obligations according to the terms and conditions thereof.

Board of
super-
visors to
prescribe
form of
obliga-
tion.

Tax.

Town off-
icers to
meet
annually
to deter-
mine

The town officers hereinbefore mentioned shall meet at the town clerk's office in the town for which they are elected or appointed, on the first Monday of September in each year, at ten o'clock in the morning, to determine what amount, if any, shall be borrowed on the credit

of such town for the purposes contained in the first section of the act hereby amended, and for what roads or bridges such amount shall be borrowed or appropriated; and such meeting may be adjourned from time to time, either for want of a quorum or in default of any final determination of any question arising concerning such appropriation, but no such meeting shall be held subsequent to the first Monday of October in each year. amount, &c.

The bonds authorized by this act shall have indorsed thereon a certificate signed by the town clerk of the town for which they are issued, to the effect that such bonds are issued with the consent of the town officers herein mentioned, at a meeting the date of which shall be mentioned in such certificate. Certificate to be indorsed on bonds.

The town clerk of any town on account of which such bonds are issued shall keep a record showing the date and amount of such bonds, the time and place when the same are made payable, and the rate of interest thereon. Town clerk to keep record of bonds.

Such bonds shall be delivered to the supervisor of the town, who shall dispose of the same for not less than the par value thereof, and pay the proceeds thereof to the commissioner or commissioners of highways of such town, to be used by him or them for the purposes for which the same were appropriated; but not more than five hundred dollars of such proceeds shall be expended upon any one road or bridge except under and in pursuance of a contract to be made by the contractor with the commissioner or a majority of the commissioners of highways of such town for the construction or repair of such road or bridge, which contract shall be approved by a majority of the town auditors of such town, neither of whom shall be interested in such contract. Bonds to be delivered to supervisor. Proceeds, how to be applied.

Any amount borrowed and appropriated, pursuant to the provisions of this act, for the repair or construction of any road or bridge in any town, and which it shall not be necessary to use for such purpose, shall be applied by the commissioner or commissioners of highways to the repair of any other road or bridge in such town. Excess, how to be applied.

§ 2. This act shall take effect immediately.

Chap. 261.

AN ACT to amend an act entitled "An act to enable resident aliens to hold and convey real estate, and for other purposes," passed April thirty, eighteen hundred and forty-five.

Passed April 27, 1874; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of chapter one hundred and fifteen of the laws of eighteen hundred and forty-five, entitled "An act to enable resident aliens to hold and convey real estate, and for other purposes," passed April thirty, eighteen hundred and forty-five, is hereby amended so as to read as follows, to wit:

If any alien, resident of this State, or any naturalized or native citizen of the United States, who has purchased and taken, or hereafter shall purchase and take, a conveyance of real estate, within this State, has died, or shall hereafter die, leaving persons who, according to the Aliens may take as heirs in certain cases.

statutes of this State, would answer the description of heirs of such deceased person, such persons so answering the description of heirs of such deceased person, whether they are citizens or aliens, are hereby declared and made capable of taking and holding, and may take and hold as heirs of such deceased person, as if they were citizens of the United States, the lands and real estate owned and held by such deceased alien or citizen at the time of his decease. But if any of the persons so answering the description of heirs of such deceased person are males of full age, they shall not hold the real estate hereby made descendible to them as against the State unless they are citizens of the United States; or in case they are aliens, unless they make and file in the office of the Secretary of State the deposition or affirmation mentioned in the first section of this act.

Deposition of
aliens.

Repeal.
Proviso.

§ 2. All acts or parts of acts inconsistent with or repugnant to the provisions of this act are hereby repealed, provided, however, that nothing herein contained shall be taken or construed to affect any grant of land heretofore made by this State; and provided further, that nothing in this act contained shall be taken or construed to affect the title to any land or lands which may have been heretofore derived through any devise, grant, gift or purchase prior to the passage of this act, or to give any person not heretofore entitled thereto under the laws of this State any right, title or interest as against any such devisee, grantee or purchaser, or any right to impeach or in any manner call in question the validity of any will of the person so dying seized as aforesaid, and it is hereby declared that the record of any such will in the office of the surrogate of any county in this State shall be conclusive evidence of its validity against any and all persons claiming or to claim under this act.

Record of
will, its
effect.

§ 3. This act shall take effect immediately.

Chap. 262.

AN ACT for the further protection of private property.

Passed April 27, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Misdemeanor.

Punishment.

SECTION 1. Any person or persons who shall designedly, willfully and maliciously mark, obliterate, alter, deface, paste over, destroy or in any way injure any bill board, bills, notices or printed matter thereon relating to theatrical or other lawful business, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished for each offense by imprisonment in the county jail not more than ten days, or by a fine not exceeding fifty dollars, or by both such fine and imprisonment.

§ 2. This act shall take effect immediately.

Chap. 263.

AN ACT to amend an act entitled "An act in relation to the location and erection of public buildings for the use of Erie county and the city of Buffalo," passed April twenty-first, eighteen hundred and seventy-one.

Passed April 27, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The seventeenth section of the act entitled "An act in relation to the location and erection of public buildings for the use of Erie county and the city of Buffalo," passed April twenty-first, eighteen hundred and seventy-one, is hereby amended so as to read as follows:

§ 17. The whole amount to be expended by said commissioners by virtue of this act shall not exceed twelve hundred thousand dollars; and they shall perform and complete all the duties assigned to them by this act, within five years from the time of their first meeting.

Amount
to be
expended
limited.

§ 2. This act shall take effect immediately.

Chap. 264.

AN ACT to amend an act entitled "An act to open, lay out and improve Gravesend avenue, in the county of Kings, and to authorize the construction of a railroad thereon," passed May sixteenth, eighteen hundred and seventy-three.

Passed April 27, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of an act entitled "An act to open, lay out and improve Gravesend avenue, in the county of Kings, and to authorize the construction of a railroad thereon," passed May sixteenth, eighteen hundred and seventy-three, is hereby amended so as to read as follows:

§ 4. After having fixed said district of assessment, the said commissioners shall proceed to estimate the value of the lands and premises required to be taken for said avenue, the damage to be sustained by any person interested therein by reason of such taking, and the benefits which will be derived by the owners of land within said district of assessment, from the opening of said avenue. The said commissioners may contract with the owner or owners of any buildings or other improvement, the whole or part of which will be required to be removed or altered by reason of such opening, for the removal or necessary alteration thereof by such owner or owners, within a specified time after the confirmation of the final report of said commissioners by the court, at such price or sum as may be agreed upon, if they deem it to be for the interest of the parties to be assessed so to do; and the said price or sum shall, in such case, be included in the award to be made to such owner or owners for the land on which such building, part of buildings, or

Commis-
sioners to
estimate
value of
lands to
be taken
for ave-
nue, &c.

Report,
statement
therein.

Compensation
of commis-
sioners.

Expenses.

other improvement stands; and the commissioners shall in their report state the price or sum so agreed to be paid for such removal or alteration, and also how much is allowed by them for the several buildings, parts of buildings, or other improvements, for the removal or alteration of which no such contract is made. The said commissioners shall be severally entitled to receive three hundred dollars for the services to be performed by them under the several provisions of this act, which sums, with the compensation allowed to the attorney and counsel and his expenses incurred for official searches, and the necessary expenses incurred for surveys and maps, for publication of notices given in pursuance of this act, for room hire and stationery, shall form a part of the expenses of the proceedings for such opening, and be assessed upon the property benefited, all of which, and the several items thereof, shall be particularly and separately stated in the report of the said commissioners.

§ 2. Section five of said act is hereby amended so as to read as follows:

Report of
commis-
sioners,
what to
contain.

§ 5. The said commissioners shall make a written report, in tabular form, of such estimate and assessment, showing the amount awarded for lands taken, specifying how much thereof is for buildings and other improvements, or for the removal or alteration thereof, and for damages sustained by reason of such taking, removal and alteration, for each and every parcel of land, building and other improvement so to be taken, removed, altered, or sustaining damage by reason thereof, whether such sum or price was fixed under an agreement with the owners thereof as hereinbefore provided or otherwise. The amount of benefit derived by the owners thereof, in respect to each parcel of land within such district of assessment, and the amount to be assessed upon the owners of each of said parcels by reason of such benefit. Said parcels of land shall be numbered on the map so to be made as aforesaid, which map shall constitute a part of said report, and which said written report shall designate the several parcels of land therein referred to by the numbers on said maps. They shall also specify in said report the names of the owners of the several pieces of property shown on said map for which awards are made, and upon which assessments are laid, if such names are known to them, and if not so known they may specify the same as unknown; and no award or assessment shall be invalid on account of the name of the owner being so stated as unknown, or by reason of naming a wrong person as owner. The said report shall also show the balance of assessments over awards and of awards over assessments in respect to lands by them known to belong to the same owner, and in such case the balance only of assessments over awards shall be a lien upon the lands so assessed. And where separate parcels of land are assessed as of one owner, and awards are likewise made in favor of the same owner, the amount of the awards shall be deducted from the amount of such assessments, and the balance shall be a lien upon the several parcels assessed ratably according to the amount of the assessments thereon.

Lien.

Amend-
ment of
section
nine.

§ 3. Section nine of said act is hereby amended by striking out the words "the portion of," and the words "outside of the city of Brooklyn," in the second and third lines of said section, and by inserting after the word "buildings," in line seventeen of this section, the words, "and other improvements," and by striking out the words "in the said towns of Flatbush, New Utrecht and Gravesend, opposite the line of the" in the forty-first and forty-second lines of said section, and inserting in place thereof the words "along said," and by inserting in the

forty-third line of said section after the word "provided" the following words, "estimated according to the ownership per lineal foot of frontage on said avenue," and by striking out the word "appropriated" in the fortieth line of said section, and inserting in place thereof the word "apportioned."

§ 4. Section ten of said act is hereby amended so as to read as follows:

§ 10. The county treasurer of said county of Kings shall, after receiving said report, deliver to and file with the collector of taxes and assessments of the city of Brooklyn, a certified copy of such portion of such report as shall apply to or affect lands in the city of Brooklyn, who shall proceed to collect the assessment therein in the same manner as is by law provided for the collections by him of assessments made under and pursuant to the charter of said city; and all the provisions of said charter applicable to the collection of assessments, the sale of lands for the non-payment thereof, the redemption of lands from such sales, the conveyance thereof in default of such redemption, the force and effect of such conveyances and the rights and remedies of the grantees therein, shall apply to the assessments herein authorized, and to the lands and premises within said city affected thereby, except that the moneys received by said collector for such assessment, and for any default or interest thereon, shall be paid by him to said county treasurer, who shall disburse the same in the manner herein directed and provided.

County treasurer to file certified copy of report.

Collection, &c.

§ 5. Section eleven of said act is hereby amended so as to read as follows:

§ 11. Said county treasurer shall also, after the confirmation and delivery to him of said report, serve upon and file with the supervisors of the towns of Flatbush, New Utrecht and Gravesend, respectively, a certified copy of such portion of such report as applies to or affects lands within their respective towns, who shall cause the amounts therein assessed or the balances of assessments over awards, as the case may be, upon the various pieces or parcels of land embraced therein, to be added to the next annual tax thereafter levied upon said lands, in separate columns of said tax rolls of said towns, respectively. The warrants of the board of supervisors of said county to the collectors of said city and towns shall authorize and direct the collection and return of the amounts thereof collected by them of such assessments or the balances of assessments over awards, which shall be collected by such collectors and by them paid to the county treasurer; and all provisions of law relative to the collection of taxes in and for said towns, the return thereof for non-payment, the sale of lands in default of such payment, the redemption of lands from such sales and the conveyance thereof in default of such redemption, shall apply to the assessments herein authorized to be made within said towns. The collectors of said towns shall severally, in making payment of moneys by them collected to the county treasurer, state and return in writing separately the moneys by them collected for such assessments, what part thereof was collected on account of the assessments or balance of assessments over awards for the opening of said avenue, and what portion thereof on account of assessments for the construction thereof.

Supervisors to be served with copy report.

Warrant of board of supervisors.

Collectors, their return.

§ 6. Section twelve of said act is hereby amended by inserting after the word "towns" in the seventeenth line of said section the following words: "and the proper officers of said city in proportion to the amount collected from each respectively," and by striking from said line seventeen of said section the words "in equal shares."

Amendment.

- Liens.** § 7. All assessments made under and in pursuance of the provisions of this act are hereby declared to be liens upon the several parcels of land within said district of assessment on which the same are laid.
- Repeal.** § 8. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.
- § 9. This act shall take effect immediately.

Chap. 265.

AN ACT to release the interest of the People of the State of New York in certain real estate to Lucelia Willis.

Passed April 27, 1874; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Title of the state to lands in Jefferson county released.

SECTION 1. All the estate, right, title and interest of the People of the State of New York, acquired by escheat by the alienage of Hugh Cruikshant and Osete La Fontain of, in and to certain real estate situated in the village of Carthage, Jefferson county, New York, and bounded and described as follows, viz.: On the northeasterly side by a line running parallel with the southwesterly margin of Mechanics street, and five rods distant therefrom; southeasterly by the northwesterly margin of West street; southwesterly by a village lot owned and occupied by John Hewitt, and northwesterly by land heretofore conveyed by Leonard G. Peck to Walter Nimocks, formerly of the village of Carthage aforesaid, and now deceased, is hereby released to and vested in Lucelia Willis.

Proviso.

§ 2. Nothing herein contained shall affect or impair the right or interest of any heir-at-law, devisee, grantee, judgment creditor or mortgagee in or to the premises herein mentioned.

§ 3. This act shall take effect immediately.

Chap. 266.

AN ACT to extend the time for the exercise and discharge of the official duties and for the completion of the work of the commissioners of streets, roads, avenues and parks in Long Island City.

Passed April 27, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Time for discharge of official duties and completion of work extended.

SECTION 1. The time for the commissioners of streets, roads, avenues and parks in Long Island City, to exercise and discharge the official duties and to complete the work imposed upon them in and by chapter seven hundred and sixty-five of the laws of eighteen hundred and seventy-one, entitled "An act to provide for the laying out of streets, avenues, roads and parks in Long Island City," passed April twenty-sixth, eighteen hundred and seventy-one, as modified and amended by chapter eight hundred and fifty-nine of the laws of eighteen hundred and seventy-two, entitled "An act to amend an act entitled 'An act to provide for the laying out of streets, avenues, roads and parks in Long

Island City, passed April twenty-sixth, eighteen hundred and seventy-one, passed May twenty-fifth, eighteen hundred and seventy-two, and as further modified and enlarged by chapter two hundred and seventy-five of the laws of eighteen hundred and seventy-three, entitled "An act to extend the time and duties of the commissioners for the laying out of streets, avenues, roads and parks in Long Island City," passed April twenty-third, eighteen hundred and seventy-three, is hereby extended to and including the first day of July, eighteen hundred and seventy-five.

§ 2. This act shall take effect immediately.

Chap. 267.

AN ACT to amend an act entitled "An act concerning the proof of wills, executors and administrators, guardians and wards and surrogates' courts," passed May sixteenth, one thousand eight hundred and thirty-seven.

Passed April 27, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section forty of the act entitled "An act concerning the proof of wills, executors and administrators, guardians and wards, and surrogates' courts," passed the sixteenth day of May, one thousand eight hundred and thirty-seven, is hereby amended so as to read as follows:

§ 40. Executors or administrators may apply to the surrogate, pursuant to the fourth title of chapter six of the second part of the Revised Statutes, for authority to mortgage, lease or sell the real estate of their testator or intestate, and for the sale of the interest of such testator or intestate in any land held under a contract for the purchase thereof, whenever they shall discover that the personal estate of the testator or intestate is insufficient to pay his debts and funeral expenses, subject, however, to the provisions of the first section of said title, as the same has been amended. And the word "debts," in said title, shall be construed as including funeral expenses, except that the charges for funeral expenses shall be a preferred debt, and be paid out of the proceeds of such sale before the general distribution to creditors shall be made.

When executor or administrator may apply to surrogate for authority to mortgage, &c., real estate. Funeral expenses a preferred debt.

§ 2. This act shall take effect immediately.

Chap. 268.

AN ACT for the promotion of rifle practice in the national guard.

Passed April 27, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be in the Inspector-General's department an assistant inspector-general, with the rank of colonel, in addition to those now prescribed by law, to be known as general inspector of rifle practice

General inspector of rifle practice

to be appointed. practice, who shall be appointed by the Commander-in-Chief and whose commission shall expire with the time for which the Governor may have been elected.

Division inspector to be appointed. § 2. There shall also be in each division a division inspector of rifle practice with the rank of lieutenant-colonel, in each brigade a brigade inspector of rifle practice with the rank of captain, who shall be appointed and hold their commissions in the manner prescribed by law for division and brigade staff officers.

Duties of general inspectors. § 3. It shall be the duty of the general inspector of rifle practice to exercise general supervision over the rifle practice of the national guard; to inspect or cause to be inspected, from time to time, all armories, ranges and practice grounds, and see that the prescribed regulations for rifle practice are carried out by the national guard and that proper returns thereof are made, and to report direct to general headquarters, from time to time, the improvement in marksmanship, among the uniformed forces, together with all other matters appertaining to his duties.

Commandants of divisions, &c., to furnish information. Report. § 4. Commandants of divisions, brigades, regiments, or companies, shall furnish to the general inspector of rifle practice such information as he shall require in regard to the rifle practice of their commands, and as to the number and condition of all targets or other military property of the State issued to their respective commands for use in rifle practice; and if, at the conclusion of his inspection of any armory, range, or practice ground he shall find any property appertaining to rifle practice, which ought to be kept therein, missing, injured, unfit for use, or deficient in any respect, or that such range or practice ground is dangerous, he shall forthwith report the facts in respect thereto to general headquarters. He may, from time to time, examine the officers upon the theory and practice of marksmanship and upon the system of instruction in rifle practice.

Further duties of general inspectors. § 5. It shall also be his duty to attend the annual competition for the "State prize," and, as far as practicable, all other general competitions in marksmanship among the national guard, and see that such competitions are conducted with fairness, and according to prescribed regulations. He shall make an annual report to general headquarters, in which he shall state the result of all competitions in marksmanship for any prizes offered by the State, with the names of the winners, together with such suggestions as he may see fit.

Division and brigade inspectors. To report to general inspectors. To attend competitions, &c. § 6. The division and brigade inspectors of rifle practice shall have supervision of all matters appertaining to rifle practice within the limits of their respective commands, under the directions of the commandants of such organizations, respectively, as above prescribed for the general inspector of rifle practice; they shall report to such general inspector of rifle practice, whenever required by him, the condition of rifle practice in their respective divisions, brigades or regiments, and what practice of that description has been carried on during any period, and shall also, at his request, report to him upon any matter relating to rifle practice which may require examination, within their respective division or brigade districts. They shall attend the competitions for any prizes that may be offered by the State to the command to which they are attached, and see that the same are conducted with fairness and according to the prescribed regulations, and report to the Adjutant-General the result of all such competitions, with the names of the winners, together with such suggestions as they may see fit to make.

§ 7. No avenue, street or public highway shall be laid out, extended

into, or opened through, the grounds of the National Rifle Association at Creedmoor.

§ 8. Before any targets or appurtenances are furnished by the State, a certified copy of the by-laws and other regulations of the associations to which they may be issued shall be filed with the Adjutant-General, and approved by him, and bonds in such sum as shall be required by the Commissary-General of Ordnance shall be given to him to secure the care and custody of such property. Bonds to secure care of property.

§ 9. The general inspector of rifle practice and the brigadier-general of the district in which a range is located must be constituted permanent ex officio members of the board of directors of the association having control of such range, and the commanding officers of the third and fifth divisions, the Inspector-General of the State, and the Commissary-General and chief of ordnance, permanent ex officio members of the board of directors of the National Rifle Association, before such association or the National Rifle Association shall receive any of the benefits of this act; and such brigadier-general shall have the same authority to direct the use of any range within his district by any of the organizations of his command, without compensation, as is now given to the commanding officers of the first and second divisions, with reference to the ranges of the National Rifle Association; provided that not more than one-fourth of the targets of such associations and of the National Rifle Association shall be at all times reserved for the use of members. Ex officio members of board of directors.

§ 10. For the purpose of preserving the property of the State and of the rifle associations, and of preventing accidents and maintaining order upon such ranges, the officers and employees of such associations and of the National Rifle Association are hereby vested with the powers of constables when in the performance of their duty and wearing such badge of office as shall be prescribed by the National Rifle Association, and all persons trespassing upon such ranges, or injuring any of the targets or other property situate thereon, or willfully violating thereon any of the regulations established to maintain order, preserve property, or prevent accidents, shall be guilty of a misdemeanor. Officers and employees vested with the powers of constables.

§ 11. The range of the National Rifle Association at Creedmoor, or any grounds hereafter acquired by that or any other rifle association for rifle practice, and toward the purchase of which the State has contributed, shall not be sold, mortgaged or otherwise alienated from use in rifle practice without the written consent of at least two-thirds of the board of directors of such association, including a majority of the ex officio members of said board, and without the written consent of the Adjutant-General of the State. Misdemeanor.

§ 12. Section five, chapter six hundred and ninety-nine, laws of eighteen hundred and seventy-two, is hereby amended to read as follows:

§ 5. It shall also be the duty of the treasurer of the National Rifle Association, and the treasurer of all other rifle associations authorized by this act, to file with said Comptroller and with Adjutant-General of the State, within twenty days after the first days of January and July in each year, a detailed account of all receipts and expenditures of such associations during the previous six months, verified by such treasurers under oath; it shall also be the duty of the presidents of such rifle associations to file in the Adjutant-General's office, within twenty days after the first day of January in each year, a return in detail of the property and its condition, and the directors of the National Rifle Association here- Grounds not to be sold or mortgaged without, &c.

Treasurers, their duties.

Presidents, their duties.

after elected shall be chosen from and elected by the life members of such association.

§ 13. This act shall take effect immediately.

Chap. 269.

AN ACT in relation to the improvement of Racket river.

Passed April 28, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Time to
make and
file sur-
veys and
maps ex-
tended.

SECTION 1. The commissioners appointed under and in pursuance of section two of chapter ninety, laws of eighteen hundred and sixty-nine, entitled "An act to provide for the improvement of the navigation of the Racket river, and of the hydraulic power thereon, and to check freshets therein," shall have one year from and after the passage of this act in which to make and file the surveys and maps contemplated by the sixth section of said act, and referred to in section one, chapter four hundred and twenty-five of laws of eighteen hundred and seventy-three.

§ 2. This act shall take effect immediately.

Chap. 270.

AN ACT for the improvement of Worth street and parts of the streets intersecting Worth street, between Broadway and Chatham street, in the city of New York.

Passed April 28, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Worth
street and
streets in-
tersecting
it may be
improved.

SECTION 1. The department of public works of the city of New York is hereby authorized and directed to regulate, grade, curb, gutter, pave, flag, sewer and otherwise improve Worth street, from Broadway to Chatham street, and it shall so improve, regulate, grade, curb, gutter, pave, flag and sewer the streets intersecting Worth street, between Center street and Chatham street, at and near the places where they intersect it, not to exceed one block on either side of Worth street, as to render the connections convenient and comfortable. The whole work shall be done in accordance with the grades made under and pursuant to the provisions of the act entitled "An act in relation to changing the present grades and establishing new grades for certain streets in the city of New York," passed April eighteenth, eighteen hundred and seventy-one, pursuant to which law, a map or plan of which grades was made by the commissioner of public works on the sixteenth day of October, eighteen hundred and seventy-one, and deposited in the department of public works. The same shall be done by contract awarded to the lowest responsible bidder with adequate security, as prescribed by the act to reorganize the local government of the city of New York, passed April thirtieth, eighteen hundred and seventy three, and the improvement shall be paid for in the same manner that is now provided by law or ordinance for paying for similar work in improving new streets, and an assessment shall be laid and collected on property

Work,
how to be
done.

Contract,
to whom
to be
awarded.

Asses-
ment.

on the line of the improvement to reimburse the city for all expenses of the improvement, and all acts and parts of acts now in force in relation to regulating, grading, curbing, guttering, paving, flagging and sewerage and otherwise improving streets in the city of New York, and the laying and collecting the assessments for said work, which are not inconsistent with the provisions of this act, are hereby declared to be applicable to this act, the same as if they were incorporated therein.

Other acts made applicable.

§ 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Repeal.

§ 3. This act shall take effect immediately.

Chap. 271.

AN ACT to amend an act entitled "An act to authorize the construction of sewers in the village and town of Saratoga Springs."

Passed April 28, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of an act entitled "An act to authorize the construction of sewers in the village and town of Saratoga Springs," passed April twenty-first, eighteen hundred and seventy-one, and as amended by section one of an act to amend an act entitled "An act to authorize the construction of sewers in the village and town of Saratoga Springs," passed June seventh, eighteen hundred and seventy-three, is hereby repealed, and the commissioners named in said act are hereby abolished.

Repeal and office abolished.

§ 2. Said act entitled "An act to authorize the construction of sewers in the village and town of Saratoga Springs," is hereby amended by substituting for section one (repealed by the foregoing section of this act) as follows:

§ 1. Henry A. Wilson, Henry B. Hanson and Henry Lawrence are hereby appointed commissioners to execute and carry into effect the provisions of this act, and they are hereby authorized and empowered to lay out and construct a main sewer in and for the village of Saratoga Springs, commencing at a point near the intersection of Broadway and Congress street in said village, and running thence on the most feasible and practicable route to a point east of the Excelsior spring; and for such purpose they may use and occupy any of the streets, highways and alleys in said village, or may use the entire or any portion of the bed or course of the public creek or stream which flows northerly and easterly through said village; and may take and appropriate such lands and real estate, or such easements, as they may deem necessary for such purpose, which rights and real estate so taken and acquired shall thereafter belong to the village of Saratoga Springs. In case the said commissioners shall be unable to agree with the owner or owners of any lands or real estate, taken or required by them for the purposes aforesaid, upon the value thereof, they may apply to any court of record in this State for the appointment of three appraisers, who shall be appointed in the manner provided by chapter six hundred and twenty-three of the laws of eighteen hundred and seventy, entitled, "An act to provide for laying out and improving roads and avenues in the village and town of Saratoga Springs," and said appraisers shall con-

Commissioners appointed. Sewer may be constructed.

Lands may be taken.

Appointment of appraisers.

Their proceedings and awards.

Survey and map.

Work to be let to lowest bidder.

Contracts to be revokable.

Petition by owners to board of trustees.

Surveys, &c.

Materials and dimensions of sewer.

Notice.

Opening proposals.

Bond.

duct their proceedings and make their awards in the same manner and with the same effect as provided in said act, and all damages shall be paid by said commissioners out of the proceeds of the bonds authorized and issued in pursuance of this act. Said commissioners shall commence said sewer at the point designated herein as the place of beginning, and shall complete the same as the work progresses, northerly and northeasterly. Said commissioners shall, before commencing said work, cause a complete survey and map of the course and profile of said sewer to be made, and shall give a thorough investigation as to the various systems and plans of sewerage, and for such purpose they shall employ the services of an expert and competent hydraulic engineer, who has had practical experience in the work of constructing sewers and water-drains. All work shall, as far as practicable, be let by contract to the lowest responsible bidder, based upon complete plans and specifications with construction details, which plans and specifications shall be open for inspection of all persons desiring to examine the same or to bid upon said work. All contracts shall be so framed that said commissioners may revoke or suspend the same whenever they shall have cause to believe that the contractor is not performing his work according to the terms of said contract and specifications. The contractor shall execute to the village of Saratoga Springs a bond with sufficient surety conditioned in such sum as the commissioners shall require for the faithful performance of such contract.

§ 3. Whenever a majority of the owners or occupants of premises upon any street or streets or any section or portion of any street or streets in said village shall petition the board of trustees of said village to lay a sewer along said street or streets or said section or portion of said street or streets, clearly designating by maps or other proper description accompanying said petition, the portion of said street or streets, and the distance thereon and the desired course of such sewer, and that said sewer be connected with the creek or main sewer at a point to be designated in said petition, then the board of trustees of said village are hereby authorized and empowered to grant the request of said petitioners, and to cause a sewer to be laid along such street or streets or section of street or streets as set forth in said petition, and connect the same with the creek or main sewer. Said board of trustees may cause the proper surveys, maps, plans and profiles to be made of said proposed sewer and filed with said board.

§ 4. Whenever any petition as herein specified shall be granted by said board of trustees, said board shall cause such sewer to be constructed of such materials and dimensions as they may adopt after proper consideration. Said board shall cause plans and specifications of such sewer to be prepared, and shall give at least one week's notice, daily, in a daily newspaper published in said village, where said plans and specifications can be seen and examined, and shall in such notice invite sealed proposals for the construction of such sewer to be presented to the clerk of the board. At the end of the time specified in said notice, the board of trustees shall convene and open said proposals, and shall award the contract for the construction of said sewer to the lowest responsible bidder. Before awarding any contract for the construction of such sewer, the contractor shall execute to the village of Saratoga Springs, in such form and manner as such board shall prescribe, an undertaking or bond in the sum of at least twice the amount of the aggregate of such contract price, with two sureties, who shall duly justify, conditioned for the faithful performance of the contract

and the proper construction of such sewer in conformity with the plans and specification adopted by said board of trustees.

§ 5. The cost of constructing such sewer shall be assessed by the board of trustees upon the property adjoining said sewer and such other property which said board may deem to be benefited by said sewer, or may at any time enjoy the use of said sewer, said board being guided in making such assessments by the valuation of the property assessed, or the same shall appear upon the village assessment-roll at the time of such assessment, and said board of trustees shall have power to enforce collection of such assessments in the same manner as other taxes are collected in said village. But in no case shall the property known as "Congress Spring Park" be assessed for lateral sewers so long as such property shall remain a park and does not use and is not benefited by such sewer.

Cost to be assessed upon property adjoining and benefited.

§ 6. Said trustees shall prescribe rules for the use of such sewers, and shall have power to prevent any excavation in streets or otherwise which shall injure or interfere with the use of such sewers, and in case any such sewer shall require repairs, said trustees shall make the same and charge and assess the cost thereof upon the property enjoying the use of the same in like manner as the cost of constructing the same was assessed and collected.

Trustees to prescribe rules, &c.

Chap. 272.

AN ACT to authorize the common council of the city of Oswego to borrow money, and to raise by tax upon the real and personal property of said city, in the year eighteen hundred and seventy-four, a sum sufficient to repay the same.

Passed April 28, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The common council of the city of Oswego is hereby authorized to borrow on the credit of said city the sum of twenty-nine thousand dollars, or such portion thereof as may be necessary to pay the indebtedness of said city existing on the tenth day of March, eighteen hundred and seventy-four, including the amount due on a bond and mortgage owing by said city to the estate of the late Jonathan D. Ledyard, which sum when borrowed shall be used solely for the purpose of paying the said indebtedness aforesaid.

Common council may borrow.

Purpose.

§ 2. The said common council are hereby authorized and directed to levy and assess upon the real and personal property of said city, in addition to the sums which they are authorized by the charter of the said city to raise by general tax for the current fiscal year, the said sum of twenty-nine thousand dollars, or so much thereof as shall be borrowed by said common council as above provided, which sum shall be included in the general annual tax of said city for the year eighteen hundred and seventy-four, and shall be levied and collected at the same time and in the same manner and as a part of the general annual tax of said year, and shall be applied when collected in payment of the money so borrowed as aforesaid.

Amount borrowed to be included in annual tax of 1874.

§ 3. This act shall take effect immediately.

Chap. 273.

AN ACT to enable the "Edwin Forrest Home," a corporation existing under the laws of Pennsylvania, to take, hold and convey real estate, and releasing to said corporation the interest of this State in certain lands.

Passed April 28, 1874; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

The "Edwin Forrest Home" may take conveyance from James Oakes and others.

Title of the state released.

Proviso.

SECTION 1. The corporation created by the laws of the State of Pennsylvania, and known by the name and style of the "Edwin Forrest Home," shall be capable of receiving from James Oakes, James Lawson and Daniel Dougherty, the persons named as executors and trustees, in and by the last will and testament of Edwin Forrest, deceased, a conveyance of all the lands in this State of which the said Edwin Forrest died seized, and of taking and holding said lands for the uses and purposes of said corporation, and of conveying the same; and all the right, title and interest of the People of the State of New York, acquired by escheat, in and to the said lands, or any part thereof, is hereby released, and granted unto the said "Edwin Forrest Home," its successors and assigns forever; but nothing in this act contained shall prejudice or affect the right of any heir, creditor or purchaser in good faith, if any, of the said Edwin Forrest.

§ 2. This act shall take effect immediately.

Chap. 274.

AN ACT to authorize the executors and trustees named in the will of Edwin Forrest, deceased, to compromise with Catharine N. Forrest, his widow, for her dower right in the whole estate of which the said Edwin Forrest died seized.

Passed April 28, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Executors of Edwin Forrest may compromise with widow for her dower.

May sell real estate.

SECTION 1. It shall be lawful for the executors and trustees named in the will of Edwin Forrest, deceased, to agree with the widow of said Edwin Forrest, deceased, upon a sum in gross, for her dower right in the whole estate of said Edwin Forrest, deceased, and such sum shall be and hereby is charged upon the lands in this State of which the said Edwin Forrest died seized; and said executors and trustees may sell at public or private sale so much of said lands as may be requisite to pay such sum, together with the necessary expenses of sale, and such sale and the conveyance of the lands so sold by the said executors and trustees in pursuance thereof, shall vest a good title in the purchasers at such sale.

Chap. 275.

AN ACT supplementary to chapter eight hundred and eighty-five of the laws of eighteen hundred and seventy-two, entitled "An act to incorporate the Gilbert Elevated Railway Company, and to provide a feasible, safe and speedy system of transit through the city of New York, passed June seventeenth, eighteen hundred and seventy-two.

Passed April 28, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The commissioners appointed in pursuance of chapter eight hundred and thirty-seven of the laws of eighteen hundred and seventy-three, entitled "An act to amend chapter eight hundred and eighty-five, laws of eighteen hundred and seventy-two, entitled 'An act to incorporate the Gilbert Elevated Railway Company, and to provide a feasible safe and speedy system of transit through the city of New York, passed June seventeenth, eighteen hundred and seventy-two,'" prohibiting said company from building and constructing its railway on certain portions of its line as laid down by the commissioners appointed by chapter eight hundred and eighty-five of the laws of New York above referred to, having completed their labors within the required time, and delivered their report, re-locating the route, to the said railway company, the said company shall have two years after the passage of this act to construct the same to Forty-second street; six months in addition to construct the same to Fifty-ninth street; one year in addition to construct the same to Eighty-sixth street; and six months in addition to construct the same to Harlem river; and no omission to construct any portion shall work forfeiture, of this franchise, in respect to any section of said tubular ways and railways which may have been commenced or completed.

Additional time given to complete railroad.

No forfeiture.

§ 2. The Gilbert Elevated Railway Company is hereby authorized and empowered to extend its tubular ways and railways through, over and along sixth avenue from Fifty-third to Fifty-ninth street and the said Company shall execute and deliver to the comptroller of the city of New York their corporate bond with sufficient sureties to be approved by the comptroller of the city of New York to the mayor, aldermen and commonalty of the city of New York, conditioned for the payment of one hundred thousand dollars to the said mayor, aldermen and commonalty in case the railways herein authorized shall not be constructed within six months after the time herein specified, said time being extended so long as the Gilbert Elevated Railway Company may be necessarily and unavoidably hindered or delayed by the pendency of any legal proceeding against it.

Bond to be executed.

Condition thereof.

§ 3. This act shall take effect immediately.

Chap. 276.

AN ACT to lay out, open and grade Twenty-second avenue, in the towns of New Utrecht and Gravesend, in the county of Kings.

Passed April 28, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Commissioners to lay out avenue.

Termini and direction.

To be designated on map, &c.

Monuments.

Appointment of commissioners by supreme court.

Vacancy to be filled on application of remaining commissioners.

When on application of freeholder.

Oath of office.

Proceedings to award damages.

SECTION 1. The commissioners appointed to lay out a plan for roads and streets in the towns of Kings county, under and by virtue of an act passed May seventh, eighteen hundred and sixty-nine, and of the acts amendatory thereof, are hereby directed forthwith to lay out and place upon their map a street or road, one hundred feet wide, to be designated as Twenty-second avenue ; said avenue to commence at the westerly line of Gravesend avenue, and at or near the place where said avenue is intersected by avenue K, and on or near the patent line between New Utrecht and Gravesend, and to run thence in a south-westerly direction, and at right angles, or as nearly so as may be, with Sixtieth and Eighty-sixth streets, to ordinary high water mark of Gravesend or New Utrecht bay. Said street shall be located and established under their authority, and shall form a part of their plan, and be laid down and designated on the map thereof, to be filed by them. They shall cause proper stone monuments to be placed to designate the lines of said avenue, and shall cause a map thereof, signed by them or a majority of them, to be filed in the office of the clerk of the county of Kings.

§ 2. The Supreme Court of the State of New York, at a special term thereof to be held in said county, shall, upon the application of any freeholder whose land may be required for the opening of said avenue, upon five days' notice of such application in two daily newspapers published in the city of Brooklyn, appoint three disinterested persons, one of whom shall be a resident and freeholder of the town of New Utrecht, one other of whom shall be a resident and freeholder of the town of Gravesend, and the third of whom shall be a resident and freeholder of either of the towns of New Utrecht or Gravesend, as commissioners for the purpose of opening said avenue. Any vacancy or vacancies which may occur by reason of the death, resignation or removal from said towns, respectively, of any of said commissioners, or his or their inability to act by reason of disease or other infirmity, to be adjudged by said court, shall be filled, upon application to said court, by the remaining commissioner or commissioners upon the like public notice ; but should such remaining commissioner or commissioners fail to make such application within thirty days after the occurrence of such vacancy or vacancies, then such vacancy or vacancies shall be filled by said court on the application of any freeholder whose land may be required for the opening of said avenue. The persons so appointed shall, before entering upon the duties of their appointment, severally take and subscribe the oath of office prescribed by the constitution, before some officer authorized to administer oaths in said county, and they shall file such oaths in the office of the clerk of Kings county.

§ 3. The said commissioners shall proceed to estimate the value of any lands and buildings or other improvements lying in said avenue, and shall award damages to the owners thereof respectively, for taking the

same for the purpose of a public avenue or highway, and, at the same time, assess the amount of such awards, and the expenses attending such awards and assessment, upon the lands and premises lying on each side of said avenue to such distance, not exceeding three hundred and seventy-five feet, as they may deem just, in proportion to the benefit accruing to them, respectively, by reason of such opening. Before proceeding to make such awards and assessment they shall give public notice in two daily newspapers published in the city of Brooklyn, at least twenty days before meeting for that purpose, of their intention to proceed to make the award and assessment required by this section, and of the time when and place where they will meet for that purpose, at which meeting all persons interested may appear and be heard in relation to the said award and assessment. Said commissioners shall make such award and assessment in the form of a report specifying the names of the owners of the several parcels of land taken and assessed, the several awards and assessments, and where awards are made for and assessments laid upon lands of the same owners, the balance of assessments over awards, or awards over assessments. When they shall have prepared the said report, they shall give notice for ten days, in two daily newspapers published in the city of Brooklyn, of a time when and place where they will meet to hear objections to such report, and they may adjourn such hearing from time to time, in their discretion. After they shall have reviewed their report, they shall sign and acknowledge the same before any justice of the peace or officer authorized by law to take acknowledgments of of deeds in Kings county, and the same shall be presented to the Supreme Court at a special term thereof, to be held in Kings county, for confirmation, upon notice to be published in two daily newspapers as aforesaid, at least ten days before the application for the confirmation thereof. Such court may confirm such report, or send the same back to such commissioners for revision or correction, or may correct the same, as it may deem just. If the said report shall be sent back to the commissioners, it shall, after revision, be presented to such court again for confirmation, upon the like notice as before, and such court shall proceed thereon as before, and such proceedings shall be had toward the confirmation of said report as often as may be necessary, until such report shall be finally confirmed, but the order of confirmation, when made and entered, shall be final. The said commissioners shall annex to their report a map showing the several parcels of land taken and assessed for the opening, and shall specify the names of the owners of such parcels so taken and assessed, if the names of such owners are known, and if the name of the owner of any parcel is not known, they shall so state in their report; but no award or assessment upon any parcel shall be invalid by reason of the owner thereof not being named, or because the name of any owner may be incorrectly stated. The balance of assessment over award only shall be a lien upon the lands assessed, and be collected, and the balance of award over assessment only shall be paid. The report of the said commissioners and map shall be filed with the order of confirmation in the office of the clerk of the county of Kings; upon the confirmation of such report, the lands for which awards shall be made therein shall vest in the town in which the same are situated, respectively, for the purpose of a public avenue or highway. The said commissioners shall each receive one hundred and fifty dollars in full for their services, and shall have power to cause the necessary surveys and maps to be made, and to employ counsel to assist them, but the expense of such

Expenses.

Notice to be given.

Award, its form.

Notice of time and place to hear objections.

Report to be signed and acknowledged.

Notice of application for confirmation.

Proceedings when report is sent back.

Order of confirmation final.

Map.

Balance of assessment over award a lien.

When title vests in the town.

Compensation of commissioners.

Expense of surveys, &c. Counsel fees. surveys and map shall not exceed five hundred dollars, and the amount to be paid for counsel shall not exceed three hundred dollars, and the fees of such commissioners, and the expense of such surveys and map, and of employing counsel, shall be assessed with and form a part of the expenses of opening said avenue, and there shall also be included in the said assessment five per cent. for the expense of collecting the same.

Notice of completion of assessments, &c. § 4. The said commissioners shall thereupon cause a notice to be published for ten days, in two daily newspapers published in the city of Brooklyn, that such assessments have been completed and that the parties assessed may pay their assessments to them at any time within thirty

Deduction of collection fees. days from the first publication of said notice, and be entitled to a deduction of five per cent. for collection fees. Such deduction shall be made on all assessments paid to said commissioners within said thirty days; but the amount so deducted shall in no case exceed the sum which shall have been included for collection fees hereinbefore provided. On all assessments paid to the said commissioners after the expiration of the said thirty days and before the same shall be returned to the supervisors as hereinafter provided, the like deduction shall be made; but

Interest Unpaid assessments and interest to be added to next annual taxes. interest shall be added to the net amount thereof, at the rate of seven per cent. per annum, from the time of filing such assessments as aforesaid, to the date of such payment. Such of said assessment as shall not have been paid to said commissioners, shall, together with interest, at the rate of seven per cent. per annum, from the time of filing the said report as aforesaid until the expiration of the warrant of the collector, be added by the supervisors of the county of Kings to and made part of the annual taxes next thereafter levied or imposed upon the lands and

How collected. premises so assessed, respectively. Such of said assessments as may remain unpaid at the expiration of the warrant of the collector shall be certified and returned, and the same proceedings had in relation thereto, as is now provided by law in respect to arrears of taxes on the lands of non-residents, and the several amounts thereof shall be admitted and credited by the Comptroller without regard to the valuation of the lands so assessed. The assessment for opening said avenue, when collected, shall be paid over to the commissioners appointed under the second section of this act, who shall apply the same to the payment of the award to the parties entitled thereto, and the other expenses of such opening as the same shall be stated in said report. If by reason of the addition of the default accruing upon the assessments which may be returned as unpaid, or otherwise, they shall receive a greater amount than may be necessary for the purpose aforesaid, they shall immediately pay over the amount of such surplus to the commissioners appointed under the fifth section of this act.

Assessments to be paid to commissioners, &c. Surplus, how disposed of. Authority given to Wm. Stillwell and others to enter upon lands, &c. § 5. Upon the confirmation of the said report, William H. Stillwell, Harmon V. Storms and Engelbert Lott, Jr., shall be authorized to enter upon the lands and premises taken for said avenue, and cause the same to be regulated and graded for public travel, and to plant trees along the sidewalks, and erect suitable signs with the names of any intersecting streets or avenues thereon, and to assess the expense thereof upon the lands and premises fronting upon said avenues, as the same shall be laid out and opened as aforesaid, and upon the lands and premises lying in the rear thereof, to the limit of the district of awards and assessments as fixed and established by the commissioners appointed under and by virtue of section two of this act. Such assessment to be laid ratably, according to the number of feet front on said avenues, as between front and rear lands equitably and according to proportional benefit, in their judgment, with five per cent. added for collection fees. They shall

/ assessment how to be laid.

make up their assessment in writing and file the same in the office of the clerk of the county of Kings, giving the names of the owners of said lands, respectively, as far as the same are known to them, and if not known they shall so state, and no assessment upon any parcel shall be invalid because the owner thereof shall not be named or shall be incorrectly stated. They shall cause notice to be given that the said assessments may be paid to them in the like manner as is hereinbefore provided in the case of the assessments for opening the said avenue, and the same proceeding shall be had in reference to them. The assessments authorized by this section shall be paid to them when collected, and they shall apply the same, together with all other moneys received by them under this act, to the payment of the expenses of regulating and grading said avenue; they are also authorized to dispose of such buildings or other improvements as may be taken in opening said avenue, either at public or private sale as they may deem most expedient. They shall each receive one hundred and fifty dollars in full for their services, which shall form a part of the expenses of such regulating and grading. Should either of the persons herein mentioned, and upon whom the regulating and grading of said avenue is enjoined by this act, die, resign or remove from said towns, or should either become unable to act by reason of disease or other infirmity, upon the occurrence of any vacancy or vacancies, by or from either of the above causes, the remaining person or persons so appointed shall apply to the Supreme Court, at a special term thereof, to be held in said county, for the appointment of some citizen, of either the town of New Utrecht or Gravesend, to fill such vacancy, and if such application is not so made within thirty days after the happening of any vacancy then any person interested in any land fronting on such avenue may so apply.

To be filed.

Notice that assessment may be paid.

Assessments, how to be applied.

Buildings may be sold.

Compensation.

Vacancy, how filled.

§ 6. The collectors of taxes in the towns of New Utrecht and Gravesend, respectively, shall be entitled to deduct four per cent. from the amounts of all assessments collected by them under this act, and to retain the same as their fees for collecting, but shall not be entitled to make any additional charges for such collection or for the default in the time of payment upon sums collected by them at any time before the expiration of their warrants, nor to any fees upon assessments returned by them as unpaid.

Collectors' fees.

§ 7. If any award or part thereof shall remain in the hands of said commissioners unpaid, by reason of their inability to discover the persons entitled thereto, or otherwise, they shall pay over the amount so remaining in their hands to the county treasurer of Kings county, rendering to him a proper account thereof, and the said treasurer shall receive the same in trust for the persons entitled thereto, and pay the same to them, respectively, on proper demand being made therefor.

Award may be paid to county treasurer.

§ 8. The carriage-way of said avenue shall be sixty feet wide, and sidewalks each thirteen feet wide. When the grading of such avenue shall have been completed, as provided by this act, the owners of the lands and premises fronting thereon, shall be authorized to enclose a space for court-yards, extending immediately in front of said premises, respectively, to the distance of seven feet from the line of said avenue, and at right angles thereto, and plant the same with trees and shrubbery; but no buildings or other erections or obstacles shall be allowed or placed thereon, except fences, and they shall not extend more than seven feet from the line of said avenue. The said avenue so laid out and mapped shall be a public highway, and the portions thereof situate in the towns of New Utrecht and Gravesend, respectively, shall be

Width of carriage way and sidewalks.

Space for court-yards.

Avenue to be a public highway.

Expense
of surveys,
&c.
Counsel
fees.

Notice of
completion
of assess-
ments, &c.

Deduction
of collec-
tion fees.

Interest

Unpaid
assess-
ments and
interest to
be added
to next
annual
taxes.

How col-
lected.

Assess-
ments to
be paid to
commissioners,
&c.

Surplus,
how dis-
posed of.

Authority
given to
Wm. Still-
well and
others to
enter upon
lands,
&c.

Assess-
ment,
how to be
laid.

surveys and map shall not exceed five hundred dollars, and the amount to be paid for counsel shall not exceed three hundred dollars, and the fees of such commissioners, and the expense of such surveys and map, and of employing counsel, shall be assessed with and form a part of the expenses of opening said avenue, and there shall also be included in the said assessment five per cent. for the expense of collecting the same.

§ 4. The said commissioners shall thereupon cause a notice to be published for ten days, in two daily newspapers published in the city of Brooklyn, that such assessments have been completed and that the parties assessed may pay their assessments to them at any time within thirty days from the first publication of said notice, and be entitled to a deduction of five per cent. for collection fees. Such deduction shall be made on all assessments paid to said commissioners within said thirty days; but the amount so deducted shall in no case exceed the sum which shall have been included for collection fees hereinbefore provided. On all assessments paid to the said commissioners after the expiration of the said thirty days and before the same shall be returned to the supervisors as hereinafter provided, the like deduction shall be made; but interest shall be added to the net amount thereof, at the rate of seven per cent. per annum, from the time of filing such assessments as aforesaid, to the date of such payment. Such of said assessment as shall not have been paid to said commissioners, shall, together with interest, at the rate of seven per cent. per annum, from the time of filing the said report as aforesaid until the expiration of the warrant of the collector, be added by the supervisors of the county of Kings to and made part of the annual taxes next thereafter levied or imposed upon the lands and premises so assessed, respectively. Such of said assessments as may remain unpaid at the expiration of the warrant of the collector shall be certified and returned, and the same proceedings had in relation thereto, as is now provided by law in respect to arrears of taxes on the lands of non-residents, and the several amounts thereof shall be admitted and credited by the Comptroller without regard to the valuation of the lands so assessed. The assessment for opening said avenue, when collected, shall be paid over to the commissioners appointed under the second section of this act, who shall apply the same to the payment of the award to the parties entitled thereto, and the other expenses of such opening as the same shall be stated in said report. If by reason of the addition of the default accruing upon the assessments which may be returned as unpaid, or otherwise, they shall receive a greater amount than may be necessary for the purpose aforesaid, they shall immediately pay over the amount of such surplus to the commissioners appointed under the fifth section of this act.

§ 5. Upon the confirmation of the said report, William H. Stillwell, Harmon V. Storms and Engelbert Lott, Jr., shall be authorized to enter upon the lands and premises taken for said avenue, and cause the same to be regulated and graded for public travel, and to plant trees along the sidewalks, and erect suitable signs with the names of any intersecting streets or avenues thereon, and to assess the expense thereof upon the lands and premises fronting upon said avenues, as the same shall be laid out and opened as aforesaid, and upon the lands and premises lying in the rear thereof, to the limit of the district of awards and assessments as fixed and established by the commissioners appointed under and by virtue of section two of this act. Such assessment to be laid ratably, according to the number of feet front on said avenues, as between front and rear lands equitably and according to proportional benefit, in their judgment, with five per cent. added for collection fees. They shall

make up their assessment in writing and file the same in the office of the clerk of the county of Kings, giving the names of the owners of said lands, respectively, as far as the same are known to them, and if not known they shall so state, and no assessment upon any parcel shall be invalid because the owner thereof shall not be named or shall be incorrectly stated. They shall cause notice to be given that the said assessments may be paid to them in the like manner as is hereinbefore provided in the case of the assessments for opening the said avenue, and the same proceeding shall be had in reference to them. The assessments authorized by this section shall be paid to them when collected, and they shall apply the same, together with all other moneys received by them under this act, to the payment of the expenses of regulating and grading said avenue; they are also authorized to dispose of such buildings or other improvements as may be taken in opening said avenue, either at public or private sale as they may deem most expedient. They shall each receive one hundred and fifty dollars in full for their services, which shall form a part of the expenses of such regulating and grading. Should either of the persons herein mentioned, and upon whom the regulating and grading of said avenue is enjoined by this act, die, resign or remove from said towns, or should either become unable to act by reason of disease or other infirmity, upon the occurrence of any vacancy or vacancies, by or from either of the above causes, the remaining person or persons so appointed shall apply to the Supreme Court, at a special term thereof, to be held in said county, for the appointment of some citizen, of either the town of New Utrecht or Gravesend, to fill such vacancy, and if such application is not so made within thirty days after the happening of any vacancy then any person interested in any land fronting on such avenue may so apply.

To be
filed.

Notice
that
assess-
ment may
be paid.

Asses-
ments,
how to be
applied.

Buildings
may be
sold.

Compensation.

Vacancy,
how filled.

§ 6. The collectors of taxes in the towns of New Utrecht and Gravesend, respectively, shall be entitled to deduct four per cent. from the amounts of all assessments collected by them under this act, and to retain the same as their fees for collecting, but shall not be entitled to make any additional charges for such collection or for the default in the time of payment upon sums collected by them at any time before the expiration of their warrants, nor to any fees upon assessments returned by them as unpaid.

Collec-
tors' fees.

§ 7. If any award or part thereof shall remain in the hands of said commissioners unpaid, by reason of their inability to discover the persons entitled thereto, or otherwise, they shall pay over the amount so remaining in their hands to the county treasurer of Kings county, rendering to him a proper account thereof, and the said treasurer shall receive the same in trust for the persons entitled thereto, and pay the same to them, respectively, on proper demand being made therefor.

Award
may be
paid to
county
treasurer.

§ 8. The carriage-way of said avenue shall be sixty feet wide, and sidewalks each thirteen feet wide. When the grading of such avenue shall have been completed, as provided by this act, the owners of the lands and premises fronting thereon, shall be authorized to enclose a space for court-yards, extending immediately in front of said premises, respectively, to the distance of seven feet from the line of said avenue, and at right angles thereto, and plant the same with trees and shrubbery; but no buildings or other erections or obstacles shall be allowed or placed thereon, except fences, and they shall not extend more than seven feet from the line of said avenue. The said avenue so laid out and mapped shall be a public highway, and the portions thereof situate in the towns of New Utrecht and Gravesend, respectively, shall be

Width of
carriage
way and
side-
walks.

Space for
court-
yards.

Avenue to
be a public
highway.

kept in repair by the commissioners of highways of those towns, respectively.

§ 9. This act shall take effect immediately.

Chap. 277.

AN ACT to close part of Tenth street, in Long Island City.

Passed April 28, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All that part of Tenth street, in Long Island City, between the westerly side of West avenue and the exterior line of the grant heretofore made to Jonathan Crane and Charley Ely by the People of the State of New York, in the East river, is hereby closed and discontinued.

§ 2. This act shall take effect immediately.

Chap. 278.

AN ACT to amend chapter two hundred and fifty-one of the laws of eighteen hundred and sixty-one, and to provide for the arbitration of mercantile disputes in the port of New York.

Passed April 29, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Powers of
chamber
of com-
merce.

SECTION 1. From and after the passage of this act, the legal powers conferred upon the "chamber of commerce of the State of New York" by chapter two hundred and fifty-one of the laws of eighteen hundred sixty-one, shall be exercised in the manner in this act provided.

Summons
for settle-
ment of
dispute.

§ 2. Any party or parties having a controversy, dispute or matter of difference upon any mercantile or commercial subject, may summon the opposite party or parties to appear before the chamber of commerce of the State of New York for the settlement of such controversy, dispute or matter of difference, on a day and hour named in such summons, which shall not be less than two or more than five days after the personal service of such summons upon such opposite party or one of two or more parties jointly interested in the subject-matter of the controversy ; provided, all the parties are regularly-elected members of said chamber of commerce, and parties (whether members of such chamber or not) to any controversy, dispute or matter of difference arising or within the port of New York, or relating to a subject-matter situate or coming within said port, as the collection district of said port is established and limited by the act of Congress of the United States of America, approved March second, seventeen hundred and ninety-nine, may voluntarily appear before and submit the same to the chamber of commerce, and such chamber shall thereupon entertain jurisdiction of such controversy, dispute or matter of difference, and of the parties thereto.

Proviso.
Voluntary
appear-
ance.

§ 3. At the time mentioned in such summons, the party or parties serving such summons shall file such summons, with proof of service, with the arbitration clerk hereinafter provided for, and either party may file with him a written declaration, duly acknowledged, objecting to the jurisdiction of the chamber of commerce of the State of New York in the matter mentioned in such summons; and upon the filing of such written objection, such matter shall be dismissed and no further proceedings shall be had therein under the provisions of this act; and if at the time mentioned in such summons, the party or parties named therein, or either of them, do not file such written objection, they and each and every one of them shall be deemed and held to have fully submitted to the jurisdiction of said chamber in such matter, and to the arbitration hereinafter provided, and the further proceedings therein shall be in accordance with the provisions of this act; and it shall be competent for any member of a firm to file such objection on behalf of himself and his copartners, and for any agent or attorney, in fact, or other representative, to do so on behalf of his principal. A copy of this section of this act shall be served with, and in the same manner, as the summons.

Filing of summons, &c.

Objection to jurisdiction may be filed.

Effect thereof.

If no objection be filed jurisdiction is conferred.

Who may file objection.

§ 4. Upon the chamber of commerce of the State of New York, acquiring jurisdiction, as aforesaid, of any matter pursuant to the provisions of this act, such matter shall be proceeded upon with dispatch to a settlement, by the arbitrator or board of arbitration provided for by this act; the respective parties to such matter shall each be entitled, at the time of submitting to such jurisdiction as herein provided, to nominate and appoint in writing one person to sit with the arbitrator whose appointment by the Governor is hereinafter provided for, to hear and determine the matter; and the award made by them, or the majority of them, shall be deemed and held to be the award therein; and if the said parties refuse or neglect to nominate and appoint each one person, as aforesaid, then they shall be deemed and held to have waived their right to do so, and the matter shall proceed before the arbitrator whose appointment is hereinafter provided for, as sole arbitrator to hear and determine said matter. Adjournments may be had upon reasonable cause shown; but if any person named by either party shall fail to appear at the time set for the hearing of the matter, without good reason shown for such failure to the satisfaction of the arbitrator appointed by the Governor, and that the same is only of a temporary nature, his nomination and appointment shall thereupon be declared and held to be vacated, and the same party shall forthwith nominate and appoint another person to act in his place, and upon failure to do so, the arbitrator hereinafter provided for shall appoint a disinterested person, not of kin to either party, to act in his place; and upon any failure of one party to nominate a person to sit with the arbitrator when the opposing party has nominated such a person, then the arbitrator hereinafter provided for shall appoint a disinterested person, not of kin to either party, and not nominated by the opposing party, to sit as a member of the board of arbitration; and the matter shall proceed as if such party had appointed such person to act. The persons appointed by or for the respective parties shall be duly sworn before the arbitrator, honestly, truly, and fairly to hear and determine the matter thus submitted to them; and their oaths, subscribed by them respectively, shall be filed with the award in such matter; and the arbitrator hereinafter provided for, shall make and subscribe an oath faithfully and truly to perform the duties of arbitrator according to the provisions of this act, which oath shall be filed in the office of the

Proceedings when jurisdiction is obtained.

Person to sit with arbitrator.

Award.

Waiver, effect of.

Adjournments.

Failure to appear.

Another person may be appointed.

Arbitrator may appoint.

Persons appointed to be sworn.

Oath of arbitrator.

Secretary of State at Albany, and he need not be separately sworn in *each* matter; and he shall have full power to administer oaths and affirmations, and to take the proof and acknowledgment of all charter parties, marine protests, contracts and other written instruments, and to issue subpoenas for witnesses to appear and testify, with like effect and penalties as subpoenas issued by courts of justice. All willful false swearing in any proceeding under the provisions of this act shall be deemed and held to be willful perjury, and indictable and punishable as such.

After the allegations and proofs of the respective parties have been heard, the arbitrator shall have power, upon notice to both parties, to summon any person to give testimony before the arbitrator or the board, if he or they shall deem such additional testimony necessary to enable them to do justice between the parties. After the final hearing, the arbitrator or board, or a majority thereof, shall make an award in writing, under his or their hands, stating the settlement of the controversy, dispute or matter of difference heard and determined by him or them, and file the same, within five days after such final hearing, with the arbitration clerk hereinafter provided for; and if the said award shall construe any contract, or require either party or both parties to do or forbear doing a particular act or acts, or to pay a sum of money, the arbitrator hereinafter mentioned shall, at the request of either party, make an order to that effect, and otherwise to carry out the provisions of the award, which order shall, at the instance of either party, be filed by such party in the office of the clerk of the county of New York; and it shall be the duty of such county clerk, upon being paid his fees therefor, to docket such order. If such order shall require the payment of a sum of money, or the delivery of any property, any party may enter up, in the manner now prescribed by law for entering judgments of the Supreme Court, a judgment against the party or parties required to pay such sum of money, or deliver any property, and in favor of the party or parties to whom it should be paid or delivered, and execution may thereupon be issued and enforced thereon as and with like effect and validity as on a judgment of the Supreme Court docketed in said office; and the said judgment shall in other respects conform to said orders, and when so entered, have the same force and effect as a judgment of the Supreme Court of similar purport, and shall be enforced in the same methods and by the same processes and officers, upon the payment of the fees now allowed by law; and in case any such order shall be filed and judgment entered thereon, as aforesaid, the same may be satisfied of record and discharged in the same manner as judgments of the Supreme Court are or may be satisfied and discharged. Judgments entered in conformity with these provisions shall not be subject to be removed, reversed, modified, or in any manner appealed from by the parties thereto, except for frauds, collusion or corruption of said arbitrator, or board, or either of them.

§ 5. The award of the arbitrator, or board, as provided for in this act, shall be binding and conclusive upon all parties thereto, and shall be effect and secure a final settlement of the matter submitted under the provisions of this act for his or their decision and award, and shall be upheld and sustained in all the courts of this State; but the arbitrator hereinafter provided for shall have power, for good cause shown, upon notice to, and hearing, the parties, to suspend and defer making the order for carrying out the provisions of the award, and to order that the cause be heard again before the same or other persons to be nominated and appointed as allowed by this act in the case of the first hearing. But the party applying for such rehearing shall stipulate to pay all the

His power
to admin-
ister
oaths, &c.

Sub-
poenas.

Perjury.

Arbitrator
may sum-
mon any
person to
testify.

Award to
be in
writing.

To be
filed.

Order.

Order,
judgment
may be
entered
thereon.

Judgment,
effect of,
and how
enforced.

How dis-
charged.

No appeal,
except for
fraud, &c.

Award
final.

Arbitrator
may order
a rehear-
ing.

Stipula-

costs and expenses of the other party or parties incident to such rehearing, and shall give security therefor, and for the payment or performance of any award which shall be rendered against such applying party, or judgment which shall be entered thereon, in such amount and form as shall be approved by the said arbitrator. Upon such rehearing, similar proceedings shall be had as in the case of the first hearing, and all the provisions of this act applying to the first hearing, the award, the order and the subsequent proceedings thereon, shall apply similarly in and to all cases of rehearing. On the first hearing no costs shall be allowed to either party.

Proceedings on rehearing.

Costs.

§ 6. The Governor shall nominate, and by and with the consent of the Senate appoint, an experienced, suitable and competent person as arbitrator, to be known as the arbitrator of the chamber of commerce of the State of New York, to have and perform the functions, duties and powers provided for in this act, in connection with his said office; and the salary of said arbitrator shall be fixed and paid by the said chamber of commerce. The Governor shall appoint and commission such person as may be elected by the chamber of commerce of the State of New York to be the arbitration clerk of the said chamber, and such person shall take and subscribe an oath faithfully to perform his duties under this act, which oath shall be filed in the office of the Secretary of State, at Albany. The said clerk shall safely and correctly keep all the minutes, documents, records, books and other papers and effects of the arbitrator and of the board provided in this act, and relating to the arbitrations which may be had hereunder; and the sittings and business of the said arbitrator and board shall be had and conducted, and the office of the said clerk shall be in a building or room provided by the said chamber of commerce, at its own proper expense and charges, and the salary of said clerk shall be fixed and paid by the said chamber of commerce at its own proper expense and charges, and he shall be subject to removal by said chamber, whereupon they shall elect his successor, who shall be commissioned as aforesaid. The arbitrator shall devise and adopt a seal which shall be the seal of his office, and be used to authenticate all awards and orders made pursuant to this act, and copies and certifications thereof, and in all courts and places any instrument sealed with such seal and signed by the said arbitrator, shall be received as prima facie evidence of the existence of such award or order, and of the contents thereof, and shall have the same force and effect as the original thereof. Upon the application of the parties interested, or their representatives, the said arbitrator shall interpret and construe any parol or written contract pertaining to any matter which might be the subject of arbitration under the provisions of this act.

Arbitrator, his appointment.

Salary.

Arbitration clerk.

Official oath.

His duties.

Salary of clerk.

Arbitrator's seal, &c.

Construction of contracts.

§ 7. The said arbitrator, appointed by the Governor, shall adopt short and simple forms and rules to be observed in proceedings under this act, and shall have power to do and order whatever may be necessary to carry out its provisions. In all cases where an immediate hearing is desired by both parties, or is practicable, it shall be had. The arbitrator appointed by this act, and his successors, shall hold office during good behavior, and shall be removed by the Governor if, upon due notice and after a hearing, he shall be found guilty by the Governor of malfeasance, misfeasance, or continued nonfeasance in office; in case of the removal or death of any arbitrator, his successor shall be nominated and appointed in the same manner as the first arbitrator. The same punishment shall be inflicted upon any person convicted of stealing, mutilating or altering the books, records or papers herein directed to be filed with or kept by the clerk of arbitration, as are or

Forms and rules of proceedings.

Immediate hearing.

Arbitrator, his term of office.

Removal.

Stealing, mutilating, &c., of books, &c.

Construc-
tion as to
jurisdic-
tion.

Cause not
to be re-
moved to
any court,
except,
&c.

Submis-
sion need
not be in
writing
except,
&c.

Commis-
sions, how
to be iss-
ued.

may hereafter be, by law, annexed to similar acts in regard to records in the office of the clerk of New York county. Nothing in this act shall be construed to give any jurisdiction to the chamber of commerce of the State of New York, to the arbitrator, or board, except upon the voluntary submission and election of the parties, as provided for in this act; nor shall any minor, married woman, or person of unsound mind, nor any matter pertaining to a fee or life tenancy in real estate, be brought before such arbitrator or arbitrators; nor shall any cause or matter submitted to the arbitrator, or board, as provided in this act, be subject to removal by or to the jurisdiction of any of the courts of this State, except as herein provided; nor shall this act apply to any cause or matter which shall be pending in any of the courts of this State, or before any arbitration committee established by law, previous to the service of the summons, as provided in this act. The voluntary submission to arbitration of the particular cases contemplated in this act, and in the method herein provided, need not be in writing, otherwise than as herein provided. This act shall not be held to repeal the existing statutes in relation to arbitration. Commissions to take testimony allowed by the arbitrator may be issued in the same manner and with the same effect as in courts of record, and witnesses shall be entitled to the same fees as in said courts.

§ 8. This act shall take effect immediately.

Chap. 279.

AN ACT in relation to the compensation for the consumption of gas, and lighting and maintaining street lamps in such portion of the twenty-fourth ward of the city of New York as formerly constituted the town of West Farms, Westchester county.

Passed April 29, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Such portion of the twenty-fourth ward of the city of New York as formerly constituted the town of West Farms, Westchester county, is hereby exempted from the operation of all laws providing for the payment for lighting and erecting and maintaining street lamps therein, so far as the same impose a local tax or assessment for such purposes, from and after January first, eighteen hundred and seventy-four.

§ 2. This act shall take effect immediately.

Chap. 280.

AN ACT to amend the several acts in relation to the Industrial Exhibition Company, and to authorize the issuing of bonds for the purposes of its organization.

Passed April 29, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Repeal.

SECTION 1. Sections two and three of the act entitled "An act to amend an act entitled 'An act to incorporate the Industrial Exhibition

Company, and to authorize said company to purchase real estate and erect thereon a building or buildings which shall be used as an industrial exhibition,' passed April twenty-first, eighteen hundred and seventy, and the act amendatory thereof; and to authorize the mayor, aldermen and commonalty of the city of New York to make a loan to the said company," passed June eighteenth, eighteen hundred and seventy-three, are hereby repealed, and so much of the act entitled "An act to amend an act entitled 'An act to incorporate the Industrial Exhibition Company, and to authorize said company to purchase real estate in the city of New York, and to erect a building or buildings which shall be used as an industrial exhibition,'" passed April twenty-first, eighteen hundred and seventy, passed May fourteenth, eighteen hundred and seventy-two, added as sections fourteen and fifteen to the said act, passed April twenty-first, eighteen hundred and seventy, are hereby repealed.

§ 2. The Industrial Exhibition Company may issue mortgage bonds in such manner, and for such amount, and at such times, and upon such conditions as its stockholders, or a majority of them, may elect, upon its real estate, personal estate, and the income thereof. The said bonds may be given for fifty years, and the principal and interest thereon may be made payable at such times and retired and redeemed in such manner as said company may determine, and contain such rights and privileges as the said company by its stockholders may determine or elect. The amount of bonds that may be issued under the provisions of this act shall not exceed twenty millions of dollars.

Company
may issue
mortgage
bonds.

Amount
thereof.

§ 3. All acts or parts of acts inconsistent herewith are hereby repealed so far as they relate to this corporation.

Repeal.

§ 4. This act shall take effect immediately.

Chap. 281.

AN ACT to amend an act entitled "An act to amend an act entitled 'An act to legalize the State and county taxes in the county of Rensselaer, for the year eighteen hundred and fifty-nine, and to provide for the collection thereof, and to authorize the sale of lands in the city of Troy for unpaid State and county taxes, passed April tenth, eighteen hundred and sixty,' and to provide for all lands returned for non-payment of taxes by the collectors of the several towns in said county of Rensselaer, shall be sold by the county treasurer in the city of Troy, and be subject to redemption and conveyance," passed April second, eighteen hundred and sixty-six.

Passed April 29, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of the act entitled "An act to amend an act entitled 'An act to legalize the State and county taxes in the county of Rensselaer, for the year eighteen hundred and fifty-nine, and to provide for the collection thereof, and to authorize the sale of lands in the city of Troy for unpaid State and county taxes, passed April tenth, eighteen

Amend-
ment.

hundred and sixty,' and to provide that all lands returned for non-payment of taxes by the collectors of the several towns in said county of Rensselaer, shall be sold by the county treasurer in the city of Troy, and be subject to redemption and conveyance," passed April second, eighteen hundred and sixty-six, is hereby amended so as to read as follows:

§ 2. Section three of said act is hereby amended so as to read as follows:

List of lands liable to be sold for taxes, to be published.

Notice of sale.

§ 3. The said county treasurer shall, immediately after the expiration of the aforesaid one year, cause to be published once a week for six weeks, in at least two of the public newspapers of the city of Troy having the largest circulation, and in a public newspaper printed in the village of Lansingburgh, and also in a public newspaper published in the third assembly district of the said county of Rensselaer, a list or statement of the real estate, with such tax and the interest thereon, and so liable to be sold; and also a notice that the said real estate will, on a day at the expiration of the said six weeks, to be specified in such notice, and succeeding days, be sold at public auction at the court-house in the city of Troy, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing the sum necessary to discharge the taxes, interest and charges aforesaid, which may be due thereon at the time of sale.

§ 3. This act shall take effect immediately.

Chap. 282.

AN ACT to release to Samuel McCracken the real estate of which Robert McCracken died seized, in the town of Lewiston, in the county of Niagara.

Passed April 29, 1874; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Title of the state to lands in Niagara county, released.

Bond to be executed.

SECTION 1. All the right, title and interest which the State of New York has acquired by escheat in the real estate in the town of Lewiston, county of Niagara, and State of New York, whereof Robert McCracken, late of said town of Lewiston, died seized, is hereby released and quit-claimed to Samuel McCracken, the brother of the said Robert McCracken, deceased; provided, however, that the said Samuel McCracken, before the provisions of this act shall be of full force and effect, shall execute to Elizabeth McCracken, sister of the said Robert McCracken, deceased, a good and sufficient bond, under a penalty of four thousand dollars to be paid to the said Elizabeth McCracken, for the faithful performance of the conditions thereof, to wit: That the said Samuel McCracken, his heirs, executors or administrators, shall, and do well and truly provide and furnish for and to the said Elizabeth McCracken, during the term of her natural life, such sufficient support and care in sickness and in health in all respects as is suitable to her station in life.

Proviso.

§ 2. Nothing in this act contained shall release, discharge or impair any right, claim or interest of any creditor or purchaser, mortgagee or heir-at-law in the said real estate.

§ 3. This act shall take effect immediately.

Chap. 283.

AN ACT for the relief of Christian A. Nauert.

Passed April 29, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The comptroller of the city of New York is hereby authorized and directed to pay from the avails of the sale of county courthouse stock to Christian A. Nauert of said city the sum of fifteen thousand dollars, or so much thereof as the comptroller of the city of New York shall, on audit of said Nauert's claim, be satisfied is a just and legal claim against the said city and county or said county of New York, for labor and services performed and materials furnished by the said Nauert in and about fitting up the apartments occupied and used by the county clerk of the city and county of New York.

Payment to Christian A. Nauert.

§ 2. This act shall take effect immediately.

Chap. 284.

AN ACT to authorize the town of Glenville, Schenectady county, to purchase the bridge belonging to the Schenectady Bridge Company.

Passed April 29, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The auditing board of the town of Glenville, county of Schenectady and State of New York, whenever the consent in writing of a majority of the tax-payers of said town whose names appear upon the last preceding assessment roll, shall have been filed in the office of the town clerk of said town, is hereby authorized and empowered to negotiate with and to purchase of the Schenectady Bridge Company all the structures, real estate, corporate rights, franchises, privileges and stock belonging to said corporation. The said board are hereby prohibited from paying any greater sum for said structures, real estate, corporate rights, franchises, privileges and stock belonging to said corporation, than the sum of six thousand dollars.

Town board may purchase the property of Schenectady Bridge Company.

Limit of price.

§ 2. The said auditing board of the said town of Glenville are hereby required to issue the bonds of the said town for an amount sufficient to pay the sum for which the said board may have purchased the said real estate, bridge structures, corporate rights, franchises and stock of said company for a sum not exceeding six thousand dollars. Said bonds shall be made payable at any time, in the discretion of said auditing board, not exceeding six years, with interest at seven per cent. per annum, payable annually.

Bonds to be issued.

When payable.

§ 3. The trustees of the said town of Glenville, whenever required and authorized by resolution of the legal voters passed at any regular town meeting or annual election of town officers of said town, shall have power to and are hereby required to apply so much of the fund of said town as by said resolution shall be called for, and which said sum shall be applied in the manner as shall be authorized by the resolution so passed by the said town meeting.

Application of town fund.

Tax to pay
bonds.

§ 4. The board of supervisors of the county of Schenectady are hereby required from time to time, as such bonds shall become due, to levy a tax upon the real and personal property of said town of Glenville for sums sufficient to pay said principal and interest so becoming due as aforesaid, and the amount of said tax shall be paid over to the supervisor of the town of Glenville, and by him applied to pay the amount so due as aforesaid.

Corporate
rights,
bridge
structure,
&c., when
to vest in
the town.

§ 5. And the payment to the treasurer of the said bridge company, of the amount agreed upon to be paid by said auditing board, and the taking of the receipt of said treasurer therefor, then the right and title to said corporate rights, bridge structure, franchises, stock and approaches, privileges and all real and personal property of said bridge company shall forever vest in the town of Glenville, and shall be maintained and kept in repair by said town of Glenville.

Convey-
ance may
be made.

§ 6. For the purpose of carrying into effect the provisions of this act, the Schenectady Bridge Company are hereby authorized and empowered to transfer and convey the corporate property, structures, real estate, corporate rights, franchises and stock of the said company to the said town of Glenville, in conformity with and in manner and form provided by law and the provisions of this act.

Control of
bridge.

§ 7. In case the auditing board of the town of Glenville shall purchase the said bridge and franchises, then the said auditing board shall have the full control, management and direction thereof, and shall be in place and stead of trustees or directors of said bridge company.

Auditing
board may
repair or
rebuild.

§ 8. The auditing board of said town of Glenville are hereby authorized and empowered to repair and keep in repair the said bridge, or if it shall become necessary to rebuild the said bridge, to rebuild the same, and the cost and expense of such repairs and rebuilding shall be a charge upon said town of Glenville, and all moneys that shall be received for tolls shall be used and expended in the repair or for the necessary expenses appertaining to said bridge.

Cost
thereof a
charge
upon
town.

Expenses
of repairs,
how to
be paid.

§ 9. The auditing board shall place the amount of the expenses of the repairs of said bridge in their annual town audit and present the same to the board of supervisors of the county of Schenectady at their annual session, and the said board of supervisors are hereby authorized and required to levy a tax upon the real and personal property of said town of Glenville, sufficient to pay the amount of such expenses.

Bridge to
be free.

§ 10. The said bridge, if purchased by the town of Glenville, shall be free for the use of the citizens and tax payers of the town of Glenville, and said bridge shall not be liable to taxation for any purpose whatever, except State and county taxes.

Taxation.

Repeal.

§ 11. All acts and part of acts inconsistent with this act are hereby repealed.

§ 12. This act shall take effect immediately.

Chap. 285.

AN ACT in reference to the cemetery in the village of Herkimer.

Passed April 29, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Lot own-
ers may

SECTION 1. It shall be lawful for the present lot owners and those hereafter owning lots in the Oak Hill cemetery, belonging to the village

of Herkimer, to elect three trustees, the same to be the owners of lots in said cemetery, two at least to be residents of the village of Herkimer; the first election of said trustees under this act shall take place at the next annual election of the charter officers of the said village of Herkimer. The board of trustees of the village of Herkimer shall be the inspectors of said election, and shall conduct the same and receive the votes of the persons hereinbefore designated as voters, and shall provide a separate box in which to deposit the votes aforesaid, and shall canvass the votes and declare the result, the minutes of which proceedings shall be recorded, by the village clerk, in the book of record in and for said village. The trustees before purchasing any land for an addition to said cemetery shall obtain, in writing, the consent of a majority of the tax-payers of the village of Herkimer.

elect trustees.

First election, when to be held. Inspectors, &c.

Consent to purchase additional land.

Ballot.

§ 2. The ballot shall contain, at the first election aforesaid, the names of not exceeding three persons, all of whom shall be lot owners and two at least residents of said village, which ballot shall be indorsed "Cemetery trustees."

§ 3. The three persons who shall each receive the greatest number of votes shall be elected and declared by the inspectors of election aforesaid, to be duly elected to the office of trustees as aforesaid, for the cemetery aforesaid. Immediately after the canvassing of the votes and declaring the result as herein provided, the presiding officer, at the election aforesaid, shall write the name of each of the trustees elected as aforesaid, upon separate slips or pieces of paper as near the same size as possible, and shall fold the same up and put them in a box prepared for that purpose, and shall, in the presence of the said inspectors, separately draw the names of the persons aforesaid, from the box aforesaid, and the name of the first person drawn in the manner aforesaid shall hold the office of cemetery trustee for one year, the second for two years, and the third for the term of three years after the said election aforesaid.

Who to be declared elected trustees.

Trustees to be classified.

§ 4. From and after the annual election before mentioned, the trustees elected as aforesaid shall be the trustees of the said Oak Hill cemetery, and as such trustees shall have exclusive charge, control and management of said cemetery.

Powers of trustees.

§ 5. Thereafter there shall be annually elected in the village of Herkimer aforesaid, at the annual election aforesaid, in the manner aforesaid, a trustee of the said cemetery, to supply the place of the trustee whose term, by the classification aforesaid, is about to expire.

A trustee to be elected annually.

§ 6. The said trustees, after their said election, shall appoint one of their number as a clerk of said board of cemetery trustees, and another as treasurer.

Clerk and treasurer.

§ 7. It shall be the duty of said clerk, appointed as aforesaid, and his successors in office, to keep, in a book to be provided by said trustees, minutes of the proceedings of the said board of all their general and special meetings, also to record the name of each lot owner and the number of the lot owned by said lot owners, which said record shall be used by the trustees of the village to determine who are qualified voters under this act; it shall also be the duty of the clerk to call all general or special meetings of the trustees by giving at least six hours' notice of the time and place of holding such general or special meetings.

Duties of clerk.

General and special meetings.

§ 8. It shall be the duty of the treasurer of the said board of trustees, immediately after he is appointed, to give to the president of the village of Herkimer a bond, in the penalty of not less than five hundred dollars, for the faithful accounting and paying over to his successors in office of

Treasurer's bond.

all moneys that may come to his hands as treasurer of said board of cemetery trustees.

Duty of treasurer. § 9. It shall be the duty of the treasurer to collect all moneys for lots sold by said trustees; and all assessments made by said trustees, on owners of lots, for the purpose of paying the expense of necessary fencing said ground and improving and taking care of said cemetery, and the lots, roadways and alleys therein, and for constructing the necessary vaults and such other expenses as may be deemed necessary by said trustees for said cemetery, and to pay for any additional lands necessary.

Powers of trustees. § 10. The said trustees shall have the power to assess the owners of lots or persons having the care of lots for the necessary expense of properly keeping in repair and improving said lots, provided that no special improvement on any particular lot shall be charged on other lots. Said trustees shall have the power to contract for and incur an indebtedness for the purchase of land for an addition to the cemetery, and shall lay out the same in lots, and shall procure a map of said addition, and of the present cemetery, to be made by a competent civil engineer, who shall plot and number the lots in said cemetery, which map shall be recorded in the county clerk's office of the county of Herkimer.

Trustees to fix price of lots. Deeds. § 11. The trustees hereinbefore mentioned shall fix the price at which they will sell any lot or lots, and all expense of grading the same shall be paid by the purchaser; and said clerk of said cemetery trustees shall, in the name of said board of cemetery trustees, give and deliver deeds of the lots so sold.

Trustees may purchase additional lands, &c. § 12. The trustees herein mentioned shall have the full control and management of the present cemetery as well as of all or any additions that may be made thereto, and whenever the said trustees shall deem it necessary to purchase any additional land for cemetery use and purposes they shall cause the same to be laid out, and a map of said additions, with the number of each lot thereon to be filed as aforesaid, and they shall have made and retain a true copy of the map or maps of said cemetery and the additions thereto to be kept by the clerk of said board of trustees of said cemetery.

Trustees of village to pay over county fund, &c. § 13. The trustees of the village of Herkimer shall pay to the trustees to be created under this act all moneys now in the possession of the trustees of the village of Herkimer to the credit of the cemetery fund, and shall assign and deliver to them all claims and demands for lots sold in the said cemetery, and the money so paid, and the money which may be realized upon claims so assigned shall be used by the cemetery trustees for the purpose of improving the cemetery.

§ 14. All acts inconsistent with this act are hereby repealed.

§ 15. This act shall take effect immediately.

Chap. 286.

AN ACT to authorize the town of Clifton Park, Saratoga county, to purchase the bridge belonging to the Rexford Flats Bridge Company.

Passed April 29, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Auditing board may purchase SECTION 1. The auditing board of the town of Clifton Park, in the county of Saratoga, and State of New York, whenever the consent in

writing of a majority of the tax-payers of said town, whose names appear upon the last preceding assessment roll, shall have been filed in the office of the town clerk of said town, is hereby authorized and empowered to negotiate with and to purchase of the Rexford Flats Bridge Company, all the structures, real estate, corporate rights, franchises, privileges and stock belonging to said corporation. The said board are hereby prohibited from paying any greater sum for said structures, real estate, corporate rights, franchises, privileges and stock belonging to said corporation than the sum of six thousand dollars.

§ 2. The said auditing board of the said town of Clifton Park are hereby required to issue the bonds of the said town for an amount sufficient to pay the sum for which the said board may have purchased the said real estate, bridge structures, corporate rights, franchises and stock of said company for a sum not exceeding six thousand dollars; said bond shall be made payable at any time, in the discretion of said auditing board, not exceeding six years, with interest at seven per cent. per annum, payable annually.

§ 3. The board of supervisors of the county of Saratoga are hereby required, from time to time, as such bonds shall become due, to levy a tax upon the real and personal property of said town of Clifton Park for sums sufficient to pay said principal and interest so becoming due as aforesaid; and the amount of said tax shall be paid over to the supervisor of the town of Clifton Park, and by him applied to pay the amount so due as aforesaid.

§ 4. And the payment to the treasurer of the said bridge company of the amount agreed upon to be paid by said auditing board, and the taking of the receipt of said treasurer therefor, then the right and title to said corporate rights, bridge, structure, franchises, stock and approaches, privileges and all real and personal property of said bridge company shall forever vest in the town of Clifton Park, and shall be maintained and kept in repair by said town of Clifton Park.

§ 5. For the purpose of carrying into effect the provisions of this act, the Rexford Flats Bridge Company are hereby authorized and empowered to transfer and convey the corporate rights, franchises and stock of the said company to the said town of Clifton Park, in conformity with and in manner and form provided by law and the provisions of this act.

§ 6. In case the auditing board of the town of Clifton Park shall purchase the said bridge and franchises, then the said auditing board shall have the full control, management and direction thereof, and shall be in place and stead of trustees or directors of said bridge company.

§ 7. The auditing board of said town of Clifton Park are hereby authorized and empowered to repair and keep in repair the said bridge, or if it shall become necessary to rebuild the said bridge, to rebuild the same, and the cost and expense of such repairs and rebuilding shall be a charge upon said town of Clifton Park, and all moneys that shall be received for tolls shall be used and expended in the repairs or for the necessary expenses appertaining to said bridge.

§ 8. The auditing board shall place the amount of the expenses of the repairs of said bridge in their annual town audit, and present the same to the board of supervisors of the county of Saratoga at their annual session, and the said board of supervisors are hereby authorized and required to levy a tax upon the real and personal property of said town of Clifton Park sufficient to pay the amount of such expenses.

§ 9. The said bridge, if purchased by the town of Clifton Park, shall be free for the use of the citizens and tax payers of the said town of Clifton Park.

the property of the
Rexford
Flats
Bridge
Company.

Town
bonds to
be issued.

When
payable.

Tax for
payment
of bonds.

Property,
when to
vest in
the town.

Convey-
ance.

Control of
bridge.

Auditing
board may
repair or
rebuild.

Tolls, how
to be used.

Expenses
of repairs,
how to be
paid.

Bridge to
be free.

- Repeal. § 10. All acts and parts of acts inconsistent with this act are hereby repealed.
- § 11. This act shall take effect immediately.

Chap. 287.

AN ACT to provide for opening Front street, in Long Island City, Queens county.

Passed April 29, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commissioners of highways to open street. SECTION 1. The commissioners of highways of Long Island City are hereby authorized and required to open Front street, between West First street and West Second street, in Long Island City, as the same is laid down on the map of the Hunter farm, made by Charles Perkins, and filed in the year eighteen hundred and fifty-three, in the office of the clerk of Queens county.

Map and certificate to be filed. § 2. The said commissioners of highways shall immediately after the passage of this act, proceed to file a map of said portion of Front street, with a certificate that the same is and shall continue a public highway, in the office of the clerk of Long Island City. They shall apply to the Supreme Court, at any special term in the second judicial district, for the appointment of commissioners to assess the damages of any person whose lands or property be taken or be necessary for the opening of said street, and they shall proceed to have said damages, together with the expense of grading said street, assessed, according to law, upon the lands adjoining benefited thereby, and as said court shall direct; and the said damages and expenses of grading said street, when assessed, shall be levied, assessed and collected upon said lands adjoining, benefited thereby, as other assessments are collected, and paid out to the parties entitled thereto by the award of said commissioners of assessments. As soon as said expenses of grading said street are assessed, the said highway commissioners shall cause said street to be graded, and shall remove all obstructions on said street, and open the same to public use and travel.

Commissioners to assess damages. Assessment.

Damages and expenses, how collected.

Street, when to be graded, &c.

§ 3. This act shall take effect immediately.

Chap. 288.

AN ACT to incorporate societies for the improvement of poultry, small birds and domestic animals, and fish culture.

Passed April 29, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Company may be formed. Objects. SECTION 1. Any number of persons, not less than thirteen, may form a company for the purpose of importing and improving poultry and small birds and domestic animals, and fish culture, and collecting and disseminating useful knowledge concerning them, by holding fairs, distributing awards and premiums, and by publishing debates and

transactions, and by such other lawful means as the members of the society may deem expedient.

§ 2. Such societies shall have power to elect a president, one or more Powers. vice-presidents, secretaries and a treasurer, and may make a constitution and by-laws for their government, and may hold real estate or other property to the value of twenty thousand dollars.

§ 3. Societies organized under this act shall possess the powers and be General powers. subject to the restrictions and liabilities of title three of chapter eighteen, of part one of the Revised Statutes.

§ 4. The stockholders of any corporation hereafter formed under this act or any act amendatory hereof, or supplementary hereto, or extending the operation and effect hereof, shall, in addition to the liabilities provided for in said acts, be individually responsible, equally and ratably, in an amount to the extent of their respective shares of stock in such corporation. The term stockholder, as used in this section shall apply, not only to such persons as appear by the books of the corporation or association to be such, but also to every equitable owner of stock although the same may appear on such books in the name of another person; and also to every person who shall have advanced the installments or purchase-money of any stock in the name of any person under twenty-one years of age, and while such person remains a minor, to the extent of such advance; and also to every guardian, or other trustee, who shall voluntarily invest any trust funds in such stock; and no trust funds in the hands of such guardian or trustee shall be in any way liable Liability of stockholders. under the provisions of this act, and the acts aforesaid, by reason of any such investment, nor shall the person for whose benefit any such investment may be made, be responsible in respect to such stock until thirty days after the time when such persons, respectively, become competent and able to control and dispose of the same; but the guardian or other trustee making such investment as aforesaid, shall continue responsible as a stockholder, until such responsibility devolves upon the person beneficially interested therein; and, in respect to stock held by a guardian or other trustee under a transfer of the same by a third person, or under positive directions by a third person for such investment, the person making such transfer, or giving such directions, and his executors and administrators shall, for the purposes of this act, and the acts aforesaid, be deemed a stockholder; and the estate of such person, if he be deceased, shall be responsible for the debts and liabilities chargeable on such stock, according to the provisions of this act. Term stockholder, to whom to apply. Trust fund not liable. Beneficiaries, when not liable. Estate of deceased person, when liable.

§ 5. This act shall take effect immediately.

Chap. 289.

AN ACT to release the interest of the State of New York in and to certain real estate of which George H. Hansen died seized or possessed.

Passed April 29, 1874; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All right, title and interest of the people of the State of New York in and to certain real estate, land and premises situated in the city of New York, of which George H. Hansen died seized or possessed, acquired by escheat of the same on the death of the said George Title of the state to lands in New York city released.

H. Hansen, are hereby granted and released to Oscar Hansen and Mathilde Hansen, their heirs and assigns forever, as heirs-at-law of the said George H. Hansen, deceased; the said Oscar Hansen and Mathilde Hansen are hereby authorized and empowered to sue for, and recover the said real estate, and the rents and profits arising therefrom, or any part thereof, in the same manner and with the same force and effect as if they had been citizens of the United States at the time of the death of the said George H. Hansen.

Proviso.

§ 2. Nothing herein contained shall be construed to impair, release or discharge any right, claim or interest of any creditor in and to the same.

§ 3. This act shall take effect immediately.

Chap. 290.

AN ACT requiring the town collector of the town of Poughkeepsie to publish the times and places at which he will attend to receive taxes.

Passed April 29, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Notice to be published by collector.

SECTION 1. Immediately on the delivery of the tax roll and warrant to the collector of the town of Poughkeepsie, as provided by law, he shall publish, at the expense of the town, notice thereof, in two morning papers published in the city of Poughkeepsie, not less than three days in succession, together with a notice that he will attend at a certain place or places on a certain day or days, as now provided by law, with said roll or warrant for thirty days next after the first publication of said notice (Sundays excepted), from ten o'clock A. M. to five o'clock P. M., to receive town, county and State taxes, and it shall be his duty to attend accordingly.

§ 2. This act shall take effect immediately.

Chap. 291.

AN ACT to amend an act to revise, amend and consolidate the laws in relation to the village of Norwich, in the county of Chenango, passed March twenty-third, eighteen hundred and fifty-seven.

Passed April 29, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Section eleven of an act of the legislature of the State of New York, entitled "An act to revise, amend and consolidate the laws in relation to the village of Norwich, in the county of Chenango," passed March twenty-third, eighteen hundred and fifty-seven, is hereby amended by inserting after the words, "circuses or other performances for money," at the end of the fourth paragraph of said section, the words "hawking and peddling and auction sales not official."

§ 2. This act shall take effect immediately.

Chap. 292.

AN ACT to amend an act entitled "An act to incorporate the Sag Harbor Wharf Company," passed April nineteenth, eighteen hundred and thirty-three.

Passed April 29, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of the act entitled "An act to incorporate the Sag Harbor Wharf Company," passed April nineteenth, eighteen hundred and thirty-three, is hereby amended so as to read as follows:

§ 1. Lewis Howell, Samuel Huntting, William R. Mulford, and such ^{Corpora-} others as are now or may be hereafter associated with them, owners of the wharf, late the property of the State of New York, and of the wharf called the Long Wharf, at the outer end of which the first-mentioned wharf was constructed, and their successors forever shall be a body corporate, in fact and in name, by the name and style of "The Sag Harbor Wharf Company," and the provisions of the said act shall ^{Corporate name.} apply to any wharf or wharves now owned or hereafter acquired by said company.

Chap. 293.

AN ACT to enable the supervisor of the town of East Hampton, Suffolk county, to purchase landing places for said town.

Passed April 29, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The supervisor of the town of East Hampton, Suffolk county, shall have power to purchase (for and in the name of said town and at the expense of said town, the same to be assessed and collected as any other town charge) land next to any of the highways leading to the water on the northern and eastern boundaries of said town, and to use and control said land for the public use as landing and storage ground for the deposit of wood, stone, timber and other bulky articles while waiting shipment or transportation. <sup>Supervi-
sors may
purchase
land for a
landing.</sup>

§ 2. This act shall take effect immediately.

Chap. 294.

AN ACT in relation to the Mohawk and Ilion Horse Railroad Company, in Herkimer county.

Passed April 29, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Mohawk and Ilion Horse Railroad Company, in the town of German Flats, in the county of Herkimer, heretofore organized <sup>Corpora-
tion, its
duration.</sup>

under the "Act to authorize the formation of railroad corporations, and to regulate the same," passed April two, eighteen hundred and fifty, and the several acts additional and amendatory thereof, is hereby declared to be a body politic and corporate, with the powers and privileges conferred by this act, and the duration of the same may be one hundred years from the passage of this act.

May build a railroad. § 2. The said corporation is hereby authorized to construct, build and maintain a railroad, to be operated with horse power, in and along Maine street of the village of Mohawk, and in and along the Maine street of the village of Ilion, according to any permission and grant heretofore given and made for that purpose by the trustees of the said villages of Mohawk and Ilion respectively.

Permis- sion. § 3. All provisions of law contained in said act, passed April two, eighteen hundred and fifty, and the several acts additional to and amendatory thereof, prescribing the weight and kind of rail to be used, are declared to be inapplicable to the road authorized by this act, and the said company is also declared to be exempt from sections twenty-seven, thirty-seven, thirty-eight, forty, forty-four and forty-five of said act, and from sections one and two of chapter one hundred and forty, and section eight of chapter two hundred and eighty-two of the laws of eighteen hundred and fifty-four.

Weight and kind of rail. § 4. Except as in this act provided the said company shall be subject to all the provisions and liabilities, and shall have all the powers and privileges contained and specified in the said act of April second, eighteen hundred and fifty, so far as the same shall be applicable.

Exemp- tions. § 5. The aforesaid railroad shall be constructed on the most approved plan for the construction of railroads, and the track of such road shall not be less than flush with the surface of the street or highway, and shall conform to the grade as it now is or as it shall be from time to time altered; and the company hereby created shall keep the surface of said street inside the rails of, and for one foot outside thereof, in good and proper order and repair, and may charge and receive for carrying of passengers a sum not exceeding fifteen cents each.

Liabilities powers, &c.

Railroad, how to be constructed, &c.

Fare.

Chap. 295.

AN ACT to release the right, title and interest of the People of the State of New York to John B. Thomas, in and to certain lands in the city of Rochester of which Charlotte Thomas died seized.

Passed April 29, 1874; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Title of the state to lands in city of Rochester released. SECTION 1. All the right, title and interest of the people of the State of New York in and to the following described lands, situated in the city of Rochester, in the county of Monroe, namely: The east one-half of lot "A," in the subdivision of lot nine, east of Erie canal, which east half of said lot "A" is twenty feet in front on the south side of Lyell street, and extends back southwardly one hundred and fifty feet of the same width, and is more fully described in a deed of the same from John Rankin and wife, bearing date August twenty-ninth, Anno Domini eighteen hundred and seventy, and recorded in the clerk's office of Monroe county in liber two hundred and thirty-seven of deeds, at

page four hundred and thirty-five, is hereby released to John Billing Thomas, of Rochester, Monroe county, New York.

§ 2. Nothing in this act contained shall be construed to affect or impair the right of any heir-at-law, devisee, creditor, purchaser or person holding a lien on said land of or from Charlotte Thomas, late the wife of said John Billing Thomas, now deceased. Rights of heir, devisee, &c., not affected.

§ 3. This act shall take effect immediately.

Chap. 296.

AN ACT to subject the real and personal property of the New York and Oswego Midland Railroad Company to taxation, and to appropriate the amount of the county taxes thereon to certain towns, to be applied toward the payment of the interest or principal on certain town bonds.

Passed April 29, 1874; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All laws and parts of laws in so far as they exempt the property, real or personal, of the New York and Oswego Midland Railroad corporation from taxation, are hereby repealed, and the real and personal property of the said corporation is hereby made subject to State, county, town and municipal taxation. Repeal. Taxation

§ 2. All moneys to be collected upon the real and personal property of the said corporation and upon said real property now or hereafter used or held, or which may hereafter be used or held by any receiver or successor of said corporation for county taxes in any of the towns or municipalities by which bonds have been issued in aid of the construction of the New York and Oswego Midland Railroad, are hereby appropriated to said towns or municipalities respectively, and shall be paid over to the commissioners of such towns or municipalities appointed pursuant to an act entitled "An act to facilitate the construction of the New York and Oswego Midland Railroad, and to authorize towns to subscribe to the capital stock thereof, passed April fifth, one thousand eight hundred and sixty-six," or any act supplemental thereto or amendatory thereof, and the said moneys shall be by said commissioners expended for and applied to the payment of the interest on said bonds, or to the principal thereof. Proceeds of tax to be paid to commissioners of towns. How to be applied.

§ 3. It shall be the duty of the collector of taxes of each such town or municipality to pay over to the said commissioners of his town or municipality, the amounts of the county taxes collected by him from the said corporation or the real and personal property thereof, within five days from the time the same is collected; and the said commissioners shall give to the said collectors a receipt for the amount of county taxes so received, which said receipt shall be returned to the treasurer of the county in which the said collector shall reside. Duty of tax collector. Receipt.

§ 4. Collectors of taxes and the sureties on their official bonds shall be liable for any neglect or failure to pay over to the said commissioners the amounts, or any part thereof, by the provisions of this act directed to be paid by such collectors of taxes to the said commissioners. Liability of collector and sureties.

§ 5. This act shall take effect immediately.

Chap. 297.

AN ACT releasing the interest of the People of the State of New York in certain real estate owned by John Kirkland, now deceased, in the town of Cicero, Onondaga county, to Adaline Kirkland, his widow.

Passed April 29, 1874; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Title of
state re-
leased.

SECTION 1. All the estate, right, title and interest of the people of the State of New York acquired by escheat, by reason of the alienage of John Kirkland, now deceased, of, in and to five pieces or parcels of land situate in the town of Cicero, in the county of Onondaga, in all containing sixty-six and thirty-two hundredths acres of land, on military lots numbers sixty-five and sixty-six, in said town, all of the deeds to said John Kirkland for which pieces or parcels of land are duly of record in the office of the clerk of the county of Onondaga, is hereby released to Adaline Kirkland, his widow, now residing in said town of Cicero, in the county of Onondaga.

Proviso.

§ 2. Nothing herein contained shall be construed to impair, release or discharge any right, claim or interest of any creditor, purchaser, heir-at-law or devisee in the said real estate.

§ 3. This act shall take effect immediately.

Chap. 298.

AN ACT to enable the county clerk of Lewis county to discharge of record a certain mortgage.

Passed April 30, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Judge of
supreme
court may
order
mortgage
discharg-
ed of re-
cord.

SECTION 1. The owner of a certain piece of land in the town of Lowville, Lewis county, upon which a mortgage was executed in eighteen hundred and thirty-seven, by Kent Jarvis, for the sum of twenty-five hundred dollars, said mortgage not being discharged of record, may make application to any judge of the Supreme Court in the fifth judicial district, who upon hearing such case, if satisfied that such mortgage has been paid, may direct the county clerk of said county to discharge the same of record upon the filing of a bond with said clerk, the conditions, amount and sufficiency thereof being approved by said judge. Nothing herein contained shall affect any suit now pending.

§ 2. This act shall take effect immediately.

Chap. 299.

AN ACT making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the canals for the fiscal year commencing on the first day of October, one thousand eight hundred and seventy-four, and to supply deficiencies in former appropriations.

Passed April 30, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The following sums are hereby appropriated out of the Appropriations. revenues of the State canals for the fiscal year commencing on the first day of October, eighteen hundred and seventy-four :

For paying the expenses of the collection of tolls, the superintendence and ordinary repairs of the canals, the salaries, traveling expenses and clerk hire of the canal commissioners, the state engineer and surveyor, the canal appraisers, and the incidental charges and expenses of their office, the salary of the auditor of the canal department, the clerk hire therein and the incidental charges and expenses thereof, the sum of one million four hundred and twenty-four thousand five hundred and ten dollars, or so much thereof as may be necessary to be expended during the fiscal year, to be distributed, applied, apportioned and disposed of as follows :

For salaries, traveling expenses and clerk hire of the canal commissioners, sixteen thousand four hundred dollars ; and for the salary of the clerk of the board of canal commissioners, two thousand and twenty-five dollars. Canal commis-sioners, &c.

For the salary and traveling expenses of the State engineer and surveyor, two thousand seven hundred dollars. State engi-neer.

For the salaries and clerk hire of the superintendents of repairs of the canals, the sum of seventy thousand dollars, or so much thereof as may be necessary. Superin-tendents of repairs.

For the salaries and traveling expenses of the canal appraisers, and for clerk hire in their office, the sum of twenty-five thousand and twenty-five dollars, or so much thereof as may be necessary. Canal ap-praisers.

For the salary of the auditor of the canal department, two thousand five hundred dollars, and for clerk hire in the said department, the sum of fifteen thousand dollars. Auditor.

For the salaries and compensation of the engineers employed on the ordinary repairs of the canals, including the incidental expenses of such engineers, the sum of twenty-four thousand dollars, or so much thereof as may be necessary. Engi-neers.

For the salaries and compensation of the collectors of canal tolls and their clerks, and for salaries and compensation of weigh-masters and their assistants, including the incidental expenses of said collectors and weigh-masters, and the compensation of inspectors of boats and their cargoes, the sum of one hundred and ten thousand dollars, or so much thereof as may be necessary. Collec-tors of tolls.

For the payment of such incidental and miscellaneous charges and expenses as are authorized by existing statutes to be paid out of the canal revenues, and charged to the account of of the Erie and Champlain Incidentals.

canal fund and the canal debt sinking fund, under section one of article seven of the Constitution, the sum of sixty thousand dollars, or so much thereof as may be necessary.

Ordinary repairs. For the payment of the expenses of the ordinary repairs of the completed canals of the State, the sum of one million one hundred thousand dollars, or so much thereof as may be necessary, to be distributed, assigned and apportioned, in the first instance, to the three divisions of the canals, as now constituted, as follows :

Eastern division. To the eastern division of the canals, the sum of five hundred thousand dollars.

Middle division. To the middle division of the canals, the sum of three hundred thousand dollars.

Western division. To the western division of the canals, the sum of three hundred thousand dollars.

Deficiencies for ordinary repairs. The further sum of two hundred and fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the revenues of the canals for the current fiscal year, to supply deficiencies in the appropriations by act chapter five hundred and sixty-five of the laws of one thousand eight hundred and seventy-three for payments to superintendents for the ordinary repairs of the canals, as follows :

Eastern division. To the eastern division of the canals, the sum of one hundred thousand dollars.

Middle division. To the middle division of the canals, the sum of fifty thousand dollars.

Western division. To the western division of the canals, the sum of one hundred thousand dollars.

Restriction as to expenses. The canal commissioners shall not expend any more money on their respective divisions, nor incur any charge against the State for the repairs of the canals during the fiscal year, than is above appropriated and apportioned to the said divisions by this act, unless the canal board by resolution, to be entered on the minutes of said board and by the concurring votes of five members thereof, shall otherwise order and direct.

Breaks and breaches. And the said canal board in case of breaks or breaches, or other extraordinary occurrences happening on any one of said divisions, causing or tending to a suspension or interruption of navigation upon such divisions shall, and the said board is hereby authorized to direct, in manner above provided, the transfer of such portion of the unexpended balance of one or both the other divisions, to the division requiring the same to sustain

Transfer of balance. navigation, and the commissioner in charge of the division to which such transfer of appropriation shall be made shall expend the same in the amendment and reparation of the canals under his charge, designated in the resolution of the canal board authorizing such transfer.

How to be expended. § 2. This act shall take effect immediately.

Chap. 300.

AN ACT to amend chapter three hundred and thirty-five of the laws of eighteen hundred and seventy-three, entitled "An act to re-organize the local government of the city of New York," passed April thirty, eighteen hundred and seventy-three, and the acts amendatory thereof.

Passed April 30, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirty-nine of chapter three hundred and thirty-five of the laws of eighteen hundred and seventy-three, entitled "An act to reorganize the local government of the city of New York," passed April thirty, eighteen hundred and seventy-three, is hereby amended so as to read as follows:

§ 39. The police department shall have for its head a board to consist of four persons to be known as police commissioners of the city of New York, who shall, except those first appointed, hold their offices for six years unless sooner removed as herein provided. The office of the police commissioner of the city of New York, whose term of office expires on the first day of May, eighteen hundred and seventy-four, is hereby abolished on and after said date; the police department, on and after the first day of May, eighteen hundred and seventy-four, shall be under the charge and control of four commissioners, who shall perform all the duties and exercise all the powers now by law conferred or imposed upon the police department of the city of New York.

Head of police department.

Office of police commissioner abolished.

§ 2. Section eighty-four of chapter three hundred and thirty-five of the laws of eighteen hundred and seventy-three, entitled "An act to reorganize the local government of the city of New York," passed April thirty, eighteen hundred and seventy-three, is hereby amended so as to read as follows:

Amendment.

§ 84. This department shall be under the charge of a board, to consist of four members, who, except those first appointed, shall hold their offices for five years, unless sooner removed as herein provided. The office of the commissioner of parks whose term of office expires on the first day of May, eighteen hundred and seventy-four, is hereby abolished on and after said date. The department of public parks on and after the first day of May, eighteen hundred and seventy-four, shall be under the charge and control of four commissioners, who shall perform all the duties and exercise all the powers now by law conferred or imposed upon the department of public parks of the city of New York.

Department to be under charge of board.

Park commissioner abolished.

Department to be under charge of four commissioners.

§ 3. The mayor of said city shall hereafter appoint, without confirmation of the board of aldermen, a person or persons to fill any vacancy or vacancies which now exist or may hereafter occur from death, resignation or cause other than the expiration of the full term in any office to which, by the provisions of the twenty-fifth section of chapter three hundred and thirty-five of the laws of eighteen hundred and seventy-three, he is empowered to appoint by and with the consent of the board of aldermen.

Mayor to fill vacancies.

§ 4. This act shall take effect immediately.

Chap. 301.

AN ACT to extend the time for the collection of taxes in the county of Richmond.

Passed April 30, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for the collection of taxes now levied and uncollected in the county of Richmond is hereby extended to the first day of June next, provided that the collectors for said county shall pay over the money already collected by them, and renew their bonds with sureties to the satisfaction of the supervisors of their respective towns and in such case the warrants shall continue in full force and effect until said first day of June.

§ 2. This act shall take effect immediately.

Chap. 302.

AN ACT supplementary to an act entitled "An act to provide an armory in the city of Brooklyn, county of Kings, for the use of the Thirteenth regiment of the National guard of the State of New York," passed May sixteen, eighteen hundred and seventy-three.

Passed April 30, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Board of supervisors may award contract for building armory.

SECTION 1. The board of supervisors of the county of Kings are hereby authorized to award the necessary contracts for the construction of a suitable building on the land heretofore purchased for that purpose, for an armory for the use of the Thirteenth regiment of the National guard of the State of New York, at a cost not to exceed the sum of fifteen thousand dollars, in addition to the amount authorized and provided therefor by chapter five hundred and twenty-three of the laws of eighteen hundred and seventy-three, entitled "An act to provide an armory in the city of Brooklyn, county of Kings, for the use of the Thirteenth regiment of the National guard of the State of New York."

Certificates of indebtedness may be issued.

When payable.

Tax.

§ 2. For the purpose of providing for the payment of the additional outlay authorized by the preceding section, the board of supervisors of the county of Kings are hereby authorized to issue certificates of indebtedness in addition to those heretofore authorized for the same purpose, but not exceeding the sum of fifteen thousand dollars, payable with interest, as follows, to wit: One-fifth of said amount in one year; one-fifth thereof in two years; one-fifth thereof in three years; one-fifth thereof in four years; and one-fifth thereof in five years thereafter. And there shall be inserted in the annual tax levy of said county, for each year, a sum sufficient and for the purpose of paying the principal and interest of said certificate as they respectively mature;

which said sum shall be applied to the payment thereof, and of the interest accruing thereon, until all of them shall be paid.

§ 3. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 303.

AN ACT in relation to the estimates and apportionment for the support of the government of the county of New York.

Passed April 30, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The board of estimate and apportionment constituted by section one of chapter seven hundred and seventy-nine of the laws of eighteen hundred and seventy-three, is hereby authorized by a concurrent vote of all the members thereof, at any time before the first day of July, eighteen hundred and seventy-four, to reconsider, revise and redetermine the estimate heretofore made under the provisions of said act for the year eighteen hundred and seventy-four, and the estimates to be reconsidered, revised and redetermined and approved by the concurrent vote of all said members, shall thereby be appropriated as the amount of money required to defray all the various expenses necessary for conducting the county government, and for supporting inmates of asylums, reformatories and charitable institutions chargeable by existing provisions of law upon the county of New York, and for defraying all legal charges against the county of New York under special laws, and also for paying the interest on the county debt and the principal of such debt falling due in the year eighteen hundred and seventy-four, and the proportion of the State tax for the year eighteen hundred and seventy-four payable by said county, and thereupon to fix and determine the amount of such estimates and various expenses and charges after deducting the estimated amount of county revenue not otherwise appropriated by law, which amount when so fixed and determined, shall be certified to the board of supervisors of the county of New York by the comptroller, and said board of supervisors are hereby empowered and directed to cause the amount so certified to be levied and collected in the year eighteen hundred and seventy-four, by tax upon the estates within the county of New York subject to taxation. But the aggregate amount of the estimate for the year eighteen hundred and seventy-four to be made by the said board of estimate and apportionment, shall not exceed the amount of the estimate heretofore made by the said board as aforesaid. In the estimate so to be made no sum shall be included except the same be appropriated for a specified department or purpose, and no sum shall be appropriated for special contingencies.

§ 2. The said board of estimate and apportionment shall have the power at any time to transfer any appropriation for any year which may be found by the head of the department for which such appropriation shall have been made to be in excess of the amount required or deemed to be necessary for the purposes or objects thereof, to such other purposes or objects for which the appropriations are insufficient, or such as may require the same; and if it is found at the time when the esti-

Estimate heretofore made may be revised, &c.

Revised estimate, how to be appropriated.

Amount to be fixed.

To be certified by the comptroller.

Tax.

Limit of aggregate amount.

Excess may be transferred to other purposes.

Surplus
may be ap-
plied the
next year.

Bonds,
payment
of first in-
stallment
postpon-
ed.

mate is made of the expenses of conducting the public business of the county of New York for the next succeeding fiscal year, that there will be a surplus or balance remaining unexpended of any appropriation then existing at the end of the current fiscal year, such surplus may be applied to like purposes in the next succeeding year.

§ 3. The payment of the bonds authorized by section three of chapter ninety-five of the laws of eighteen hundred and seventy-three, instead of commencing in the year eighteen hundred and seventy-four, as therein provided, shall have the first installment thereof paid in the year eighteen hundred and seventy-six, and the other installments annually thereafter.

§ 4. This act shall take effect immediately.

Chap. 304.

AN ACT to consolidate the government of the city and county of New York, and further to regulate the same.

Passed April 30, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

The
county
and city of
New York
consoli-
dated.
Property,
&c., of
county
vested in
the corpo-
ration.

The local
adminis-
tration to
be per-
formed by
the corpo-
ration.
Charges
and liabili-
ties
against
county to
be city
charges.
Bonds,
&c.

Powers
and duties
of board of
super-
visors to
be exer-
cised by
board of
alder-
men.

SECTION 1. The county of New York and the corporation known by the name of "The Mayor, Aldermen and Commonalty of the city of New York," shall be one body corporate and politic by the said name, and all the rights, property, interests, claims and demands of the county of New York, and of the supervisors or board of supervisors of the said county of New York, are hereby vested in and shall henceforth belong to the said corporation; but nothing contained in this act shall abrogate or impair or in anywise affect any existing right or interest; except to vest it in the said corporation.

§ 2. For all purposes the local administration and government of the city and county of New York shall be in and be performed by the one corporation aforesaid. All charges and liabilities now existing against said county, or which may hereafter arise or accrue in said city and county of New York, and which, but for this act, would be charges against or liabilities of said county, shall be henceforth deemed and taken to be charges against or liabilities of said corporation, and shall be defrayed or answered unto by it. All bonds, stocks, contracts and obligations of the said county and of the said board of supervisors, now existing, shall henceforth be deemed such of and against said corporation, and all such that are or may be authorized or required to be hereafter issued or entered into shall be issued or entered into by and in the name of the said corporation.

§ 3. All the powers and duties that now are or hereafter may be conferred or charged upon the board of supervisors of the said city and county shall be exercised and performed by the board of aldermen of said city as such, subject nevertheless to the like power of approval or rejection by the mayor of said city, as is or may be required by law in respect to acts of the common council of said city, except that when by the Constitution or laws of this State any action is specifically required to be taken by the board of supervisors of said city and county, which cannot, under any power conferred by this act or otherwise, be taken in any other manner, such action may be taken by the said board of aldermen as the board of supervisors of the said city and county.

§ 4. All funds and moneys now held by or payable to any officer as county treasurer of the said city and county shall henceforth be deemed to be held by him solely as the funds and moneys of said corporation, except such funds and moneys as shall be held by and payable into the treasury of the State of New York.

Funds held by county treasurer.

§ 5. This act shall take effect immediately.

Chap. 305.

AN ACT explanatory of an act to consolidate the government of the city and county of New York and further to regulate the same.

Passed April 30, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Nothing in the act entitled "An act to consolidate the government of the city and county of New York and further to regulate the same," shall be construed to affect the election and appointment of county officers whose election or appointment is provided for by the Constitution of this State, the apportionment of members of Assembly, or any other purposes for which the city and county of New York is recognized in the Constitution as one of the counties of this State.

§ 2. This act shall take effect immediately.

Chap. 306.

AN ACT to amend the charter of the Central Trust Company of New York.

Passed April 30, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The fourteenth section of chapter eight hundred and thirty-two of the laws of eighteen hundred and seventy-three, passed twenty-fifth of June, eighteen hundred and seventy-three, entitled "An act to incorporate the Central Trust Company of New York," is amended by striking out the words "on bond and mortgage" where the same occurs therein, and inserting the words, "on bond secured by mortgage," immediately before the words "upon unincumbered real estate worth double the sum loaned thereon" in said section, and the time within which the said company is required to complete its organization is extended one year from the passage of this act.

Amendment.

Time to complete organization extended.

§ 1. This act shall take effect immediately.

Chap. 307.

AN ACT for the relief of the Greenwood and Coney Island Railroad Company in Kings county, and to authorize the extension of its tracks through certain streets and avenues in the city of Brooklyn.

Passed May 1, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Railroad may be extended. SECTION 1. The Greenwood and Coney Island Railroad Company in the county of Kings, duly authorized under and pursuant to the laws of the State of New York, are hereby authorized to construct, maintain and operate an extension of their railroad in, through and upon the following streets and avenues in the city of Brooklyn, namely: From the junction of Gravesend avenue through Tenth avenue to Nineteenth street, through Nineteenth street to Ninth avenue, through Ninth avenue to Fifteenth street, through Fifteenth street to Hamilton avenue, and through Hamilton avenue to the Hamilton avenue ferry. Also from the junction of Hamilton avenue and Hicks street through Hicks street to Atlantic street, through Atlantic street to the South Ferry, together with the necessary connections, stands, switches, sidings, curves, turn-tables, and turn-outs for the proper and convenient working and operation of said railroad as herein provided for.

Route. § 2. In the construction, operation or use of said railroad, upon the route or routes herein designated, should said company deem it necessary or proper to run upon, along and over, or intersect or use any portion of any other railroad tracks now laid upon any of the streets or avenues above named, they are hereby authorized to run upon, along and over, and intersect and use the same, and in case they cannot agree with the owner or owners thereof respecting the compensation or payment to be made therefor, then the amount of such compensation or payment shall be ascertained and determined in the manner provided in subdivision six of the twenty-eighth section of the act entitled "An act to authorize the formation of railroad corporations, and to regulate the same," passed April second, eighteen hundred and fifty.

Stands, switches, &c. § 3. The rate of fare upon the routes herein designated shall be the same as is now charged by the Brooklyn City Railroad Company, and all laws and ordinances of the city of Brooklyn relating to horse railroads generally shall be applicable thereto.

Authority to use other railroad tracks. § 4. The said Greenwood and Coney Island Railroad Company may use in the construction and operation of their railroad any improved rail of not less than forty pounds to the lineal yard, and may operate with steam or other motive power that portion of their railroad lying between Ninth avenue and Nineteenth street and Coney Island beach.

Compensation. § 5. This act shall take effect immediately.

Rate of fare.

Rails, their weight, &c.

Motive power.

Chap. 308.

AN ACT in relation to the estimates and apportionment for the support of the government of the city New York.

Passed May 1, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Revision SECTION 1. The board of estimate and apportionment constituted by

section one hundred and twelve of chapter three hundred and thirty-five of the laws of eighteen hundred and seventy-three, is hereby authorized, at any time before the first day of July, eighteen hundred and seventy-four, by the concurrent vote of all the members of said board, to reconsider, revise, and redetermine the estimate for the year eighteen hundred and seventy-four heretofore made under the provisions of said act, and of section twenty of chapter seven hundred and fifty-seven of the laws of eighteen hundred and seventy-three, and the amount of the estimate so reconsidered, revised and redetermined and approved by the concurrent vote of all of the members of said board, shall thereby become appropriated as the amount of money required to defray the expenses of conducting the public business of the city of New York and of the various departments, boards and commissions thereof, whether administrative, executive or judicial, and for paying the interest on the city debt and the principal of such debt falling due in and for the year eighteen hundred and seventy-four, and for all liabilities of the city of New York, by reason of the annexation thereto of territory lately a part of Westchester county, and for the expenses of conducting the public business of said annexed territory for and during said year, and the liabilities incurred by the board of education of said territory during the year eighteen hundred and seventy-three, which are hereby made an obligation of the city of New York; and the aggregate amount of said estimate, after deducting the estimated amount of the revenues of the general fund of the city of New York, not otherwise specifically appropriated by law, including surplus revenues of the sinking fund for the payment of interest on the city debt, shall be established and be the amount to be raised for all such purposes, by tax, within the city and county of New York for the year eighteen hundred and seventy-four, and the amount thus established shall be certified to the board of supervisors by the comptroller; and the said board of supervisors are hereby empowered and directed to cause the amount so certified to be raised and collected in the year eighteen hundred and seventy-four, by tax upon the estates by law subject to taxation within the city and county of New York. But the aggregate amount of the estimates for the year eighteen hundred and seventy-four, to be made by the said board of estimate and apportionment, shall not exceed the amount of the estimate heretofore made by the said board, as aforesaid. In the estimate, so to be made, no sum shall be included except the same be appropriated for a specified department or purpose, and no sum shall be appropriated for special contingencies.

of estimate
heretofore
made.

Revised
estimate
to be
amount
for defray-
ing ex-
penses,
&c.

Amount
to be
raised by
tax.

To be cer-
tified by
the comp-
troller.

Tax.

Amount
limited.

§ 2. The said board of estimate and apportionment shall have the power at any time to transfer any appropriation for any year which may be found, by the head of the department for which such appropriation shall have been made, to be in excess of the amount required or deemed to be necessary for the purposes or objects thereof, to such other purposes or objects for which the appropriations are insufficient, or such as may require the same; and if it is found at the time when the estimate is made of the expenses of conducting the public business of the city of New York for the next succeeding fiscal year, that there will be a surplus or balance remaining unexpended of any appropriation then existing at the end of the current fiscal year, such surplus may be applied to like purposes in the next succeeding year.

Excess of
appropria-
tions may
be trans-
ferred.

Surplus
may be
applied
the next
year.

§ 3. The amount of money required by provision of section eight of chapter seven hundred and two of the laws of eighteen hundred and seventy-two, to be included in the amount to be raised by tax in the year eighteen hundred and seventy-three, by section four of chapter

Amount
for im-
prove-
ment for
Fourth
avenue to

- be levied in 1875. ninety-five, laws of eighteen hundred and seventy-three, to be included in the amount to be raised by tax in the year eighteen hundred and seventy-four, shall, instead of being raised in eighteen hundred and seventy-four, be raised and included in the amount to be levied by tax in the year eighteen hundred and seventy-five, and in anticipation of the levy and collection thereof, the comptroller is authorized and required to issue revenue bonds for such amounts as may from time to time be required to be paid pursuant to the provisions of section seven of said chapter seven hundred and two of the laws of eighteen hundred and seventy-two, such revenue bonds to be paid from the amounts so to be raised by tax in the year eighteen hundred and seventy-five. This act shall not be construed to authorize said board to reduce or transfer any appropriation heretofore or hereafter made for the purposes of carrying out the provisions of the acts mentioned in this section, and except as herein modified. All the provisions of chapter seven hundred and two of the laws of eighteen hundred and seventy-two are confirmed and continued in full force and effect.
- Revenue bonds.
- How to be paid.
- No moneys to be raised in the year 1874 for certain purposes.
- § 4. No moneys shall be levied and raised in the year eighteen hundred and seventy-four by tax within the county of New York, for the purposes authorized by section seventeen of chapter five hundred and thirty-five of the laws of eighteen hundred and seventy-three, excepting such expenses as may have been actually incurred by the commission in said act named.
- § 5. This act shall take effect immediately.

Chap. 309.

AN ACT to amend an act entitled "An act to incorporate the United States Trust Company of New York," passed April twelfth, eighteen hundred and fifty-three, and the act amendatory thereof, passed March thirty-first, eighteen hundred and sixty-three.

Passed May 1, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of the amendatory act, passed March thirty-first, eighteen hundred and sixty-three, entitled "An act to amend an act entitled 'An act to incorporate the United States Trust Company of New York,'" passed April twelfth, eighteen hundred and fifty-three, is hereby amended so as to read as follows:

Amount in trust, deposit, &c., limited.

§ 3. The amount which the said company shall have in trust, in deposit, or loan at any time shall not exceed ten times the amount of its capital and surplus, nor shall its outstanding loans at any time exceed said amounts, but the said company may at any time receive in deposit and loan out any money which may be deposited with it by any of the courts of this State, including the surrogates' courts, notwithstanding such limitation.

§ 2. This act shall take effect immediately.

Chap. 310.

AN ACT to amend the charter of the village of Edgewater.

Passed May 1, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of title seven of the act entitled "An act to amend, consolidate, and re-enact an act entitled 'An act to incorporate the village of Edgewater,' passed March twenty-second, eighteen hundred and sixty-six, and an act amending the same, passed April twenty-second, eighteen hundred and sixty-seven, and to extend the powers of the corporation," passed May fifth, eighteen hundred and seventy, and section eight of title fifteen down to and including the word "certified," of the same act, and the whole of title three of said act and section four of chapter six hundred and sixty of the laws of eighteen hundred and seventy-three, are hereby repealed.

§ 2. The office of police justice in the village of Edgewater is hereby abolished, and from and after the date of the passage of this act, the justices of the peace in the towns of Middletown and Southfield in the county of Richmond shall possess all the jurisdiction now appertaining to said office of police justice as well in criminal cases as in all actions and complaints brought to recover any fine or penalty imposed for the violation of any law, ordinance, by-law, rule or regulation of said village.

Office of police justice abolished.
Jurisdiction conferred upon justices of the peace.

§ 3. This act shall take effect immediately.

Chap. 311.

AN ACT to allow the New York and South Side Railroad Company of Long Island to purchase the South Side railroad of Long Island, and its franchises.

Passed May 1, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The New York and South Side railroad, of Long Island, a company organized under the laws of this State, is hereby authorized to purchase the South Side railroad, of Long Island, and all its franchises, at any sale to be made under foreclosure, or under any arrangement with the said South Side Railroad Company, or any grantee of its road and franchises, by which they will be able to acquire title thereto.

Authority to purchase South Side railroad, &c.

§ 2. The said New York and South Side Railroad Company, of Long Island, is hereby authorized to receive subscriptions to its capital stock and receive in payment therefor the stock and any of the liabilities of the said South Side Railroad Company upon such terms as may be approved by the directors of the said New York and South Side Railroad Company.

Subscriptions to capital stock.

§ 3. During any default in payment of any part of the principal or interest of bonds secured by the mortgages of said South Side Railroad Company, commonly known as first mortgage and consolidated sinking fund first mortgage, or so long as any part of said principal or interest shall be due and remain outstanding as a lien under said mortgages or either of them, the said New York and South Side Railroad Company shall not apply any portion of its earnings, income or property to payment of any debts other than for necessary repairs and current expenses, and shall apply the residue to payment of the principal or interest due or to become due upon said mortgage bonds; but nothing herein shall

During default in payment of bonds, company not to apply any of its earnings, &c., to payment of any debt, other than repairs, &c.

Chap. 297.

AN ACT releasing the interest of the People of the State of New York in certain real estate owned by John Kirkland, now deceased, in the town of Cicero, Onondaga county, to Adaline Kirkland, his widow.

Passed April 29, 1874; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Title of
state re-
leased.

SECTION 1. All the estate, right, title and interest of the people of the State of New York acquired by escheat, by reason of the alienage of John Kirkland, now deceased, of, in and to five pieces or parcels of land situate in the town of Cicero, in the county of Onondaga, in all containing sixty-six and thirty-two hundredths acres of land, on military lots numbers sixty-five and sixty-six, in said town, all of the deeds to said John Kirkland for which pieces or parcels of land are duly of record in the office of the clerk of the county of Onondaga, is hereby released to Adaline Kirkland, his widow, now residing in said town of Cicero, in the county of Onondaga.

Proviso.

§ 2. Nothing herein contained shall be construed to impair, release or discharge any right, claim or interest of any creditor, purchaser, heir-at-law or devisee in the said real estate.

§ 3. This act shall take effect immediately.

Chap. 298.

AN ACT to enable the county clerk of Lewis county to discharge of record a certain mortgage.

Passed April 30, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Judge of
supreme
court may
order
mortgage
discharg-
ed of re-
cord.

SECTION 1. The owner of a certain piece of land in the town of Lowville, Lewis county, upon which a mortgage was executed in eighteen hundred and thirty-seven, by Kent Jarvis, for the sum of twenty-five hundred dollars, said mortgage not being discharged of record, may make application to any judge of the Supreme Court in the fifth judicial district, who upon hearing such case, if satisfied that such mortgage has been paid, may direct the county clerk of said county to discharge the same of record upon the filing of a bond with said clerk, the conditions, amount and sufficiency thereof being approved by said judge. Nothing herein contained shall affect any suit now pending.

§ 2. This act shall take effect immediately.

Chap. 299.

AN ACT making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the canals for the fiscal year commencing on the first day of October, one thousand eight hundred and seventy-four, and to supply deficiencies in former appropriations.

Passed April 30, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following sums are hereby appropriated out of the revenues of the State canals for the fiscal year commencing on the first day of October, eighteen hundred and seventy-four: Appropriations.

For paying the expenses of the collection of tolls, the superintendence and ordinary repairs of the canals, the salaries, traveling expenses and clerk hire of the canal commissioners, the state engineer and surveyor, the canal appraisers, and the incidental charges and expenses of their office, the salary of the auditor of the canal department, the clerk hire therein and the incidental charges and expenses thereof, the sum of one million four hundred and twenty-four thousand five hundred and ten dollars, or so much thereof as may be necessary to be expended during the fiscal year, to be distributed, applied, apportioned and disposed of as follows: For collection of tolls, superintendence, salaries, &c.

For salaries, traveling expenses and clerk hire of the canal commissioners, sixteen thousand four hundred dollars; and for the salary of the clerk of the board of canal commissioners, two thousand and twenty-five dollars. Canal commissioners, &c.

For the salary and traveling expenses of the State engineer and surveyor, two thousand seven hundred dollars. State engineer.

For the salaries and clerk hire of the superintendents of repairs of the canals, the sum of seventy thousand dollars, or so much thereof as may be necessary. Superintendents of repairs.

For the salaries and traveling expenses of the canal appraisers, and for clerk hire in their office, the sum of twenty-five thousand and twenty-five dollars, or so much thereof as may be necessary. Canal appraisers.

For the salary of the auditor of the canal department, two thousand five hundred dollars, and for clerk hire in the said department, the sum of fifteen thousand dollars. Auditor.

For the salaries and compensation of the engineers employed on the ordinary repairs of the canals, including the incidental expenses of such engineers, the sum of twenty-four thousand dollars, or so much thereof as may be necessary. Engineers.

For the salaries and compensation of the collectors of canal tolls and their clerks, and for salaries and compensation of weigh-masters and their assistants, including the incidental expenses of said collectors and weigh-masters, and the compensation of inspectors of boats and their cargoes, the sum of one hundred and ten thousand dollars, or so much thereof as may be necessary. Collectors of tolls.

For the payment of such incidental and miscellaneous charges and expenses as are authorized by existing statutes to be paid out of the canal revenues, and charged to the account of of the Erie and Champlain Incidentals.

canal fund and the canal debt sinking fund, under section one of article seven of the Constitution, the sum of sixty thousand dollars, or so much thereof as may be necessary.

Ordinary repairs.

For the payment of the expenses of the ordinary repairs of the completed canals of the State, the sum of one million one hundred thousand dollars, or so much thereof as may be necessary, to be distributed, assigned and apportioned, in the first instance, to the three divisions of the canals, as now constituted, as follows :

Eastern division.

To the eastern division of the canals, the sum of five hundred thousand dollars.

Middle division.

To the middle division of the canals, the sum of three hundred thousand dollars.

Western division.

To the western division of the canals, the sum of three hundred thousand dollars.

Deficiencies for ordinary repairs.

The further sum of two hundred and fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the revenues of the canals for the current fiscal year, to supply deficiencies in the appropriations by act chapter five hundred and sixty-five of the laws of one thousand eight hundred and seventy-three for payments to superintendents for the ordinary repairs of the canals, as follows :

Eastern division.

To the eastern division of the canals, the sum of one hundred thousand dollars.

Middle division.

To the middle division of the canals, the sum of fifty thousand dollars.

Western division.

To the western division of the canals, the sum of one hundred thousand dollars.

Restrictions as to expenses.

The canal commissioners shall not expend any more money on their respective divisions, nor incur any charge against the State for the repairs of the canals during the fiscal year, than is above appropriated and apportioned to the said divisions by this act, unless the canal board by resolution, to be entered on the minutes of said board and by the concurring votes of five members thereof, shall otherwise order and direct. And the said canal board in case of breaks or breaches, or other extraordinary occurrences happening on any one of said divisions, causing or tending to a suspension or interruption of navigation upon such divisions shall, and the said board is hereby authorized to direct, in manner above provided, the transfer of such portion of the unexpended balance of one or both the other divisions, to the division requiring the same to sustain navigation, and the commissioner in charge of the division to which such transfer of appropriation shall be made shall expend the same in the amendment and reparation of the canals under his charge, designated in the resolution of the canal board authorizing such transfer.

Breaks and breaches.

Transfer of balance.

How to be expended.

§ 2. This act shall take effect immediately.

Chap. 300.

AN ACT to amend chapter three hundred and thirty-five of the laws of eighteen hundred and seventy-three, entitled "An act to re-organize the local government of the city of New York," passed April thirty, eighteen hundred and seventy-three, and the acts amendatory thereof.

Passed April 30, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirty-nine of chapter three hundred and thirty-five of the laws of eighteen hundred and seventy-three, entitled "An act to reorganize the local government of the city of New York," passed April thirty, eighteen hundred and seventy-three, is hereby amended so as to read as follows:

§ 39. The police department shall have for its head a board to consist of four persons to be known as police commissioners of the city of New York, who shall, except those first appointed, hold their offices for six years unless sooner removed as herein provided. The office of the police commissioner of the city of New York, whose term of office expires on the first day of May, eighteen hundred and seventy-four, is hereby abolished on and after said date; the police department, on and after the first day of May, eighteen hundred and seventy-four, shall be under the charge and control of four commissioners, who shall perform all the duties and exercise all the powers now by law conferred or imposed upon the police department of the city of New York.

Head of police department.

Office of police commissioner abolished.

§ 2. Section eighty-four of chapter three hundred and thirty-five of the laws of eighteen hundred and seventy-three, entitled "An act to reorganize the local government of the city of New York," passed April thirty, eighteen hundred and seventy-three, is hereby amended so as to read as follows:

Amendment.

§ 84. This department shall be under the charge of a board, to consist of four members, who, except those first appointed, shall hold their offices for five years, unless sooner removed as herein provided. The office of the commissioner of parks whose term of office expires on the first day of May, eighteen hundred and seventy-four, is hereby abolished on and after said date. The department of public parks on and after the first day of May, eighteen hundred and seventy-four, shall be under the charge and control of four commissioners, who shall perform all the duties and exercise all the powers now by law conferred or imposed upon the department of public parks of the city of New York.

Department to be under charge of board.

Park commissioner abolished.

Department to be under charge of four commissioners.

§ 3. The mayor of said city shall hereafter appoint, without confirmation of the board of aldermen, a person or persons to fill any vacancy or vacancies which now exist or may hereafter occur from death, resignation or cause other than the expiration of the full term in any office to which, by the provisions of the twenty-fifth section of chapter three hundred and thirty-five of the laws of eighteen hundred and seventy-three, he is empowered to appoint by and with the consent of the board of aldermen.

Mayor to fill vacancies.

§ 4. This act shall take effect immediately.

Chap. 301.

AN ACT to extend the time for the collection of taxes in the county of Richmond.

Passed April 30, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for the collection of taxes now levied and uncollected in the county of Richmond is hereby extended to the first day of June next, provided that the collectors for said county shall pay over the money already collected by them, and renew their bonds with sureties to the satisfaction of the supervisors of their respective towns, and in such case the warrants shall continue in full force and effect until said first day of June.

§ 2. This act shall take effect immediately.

Chap. 302.

AN ACT supplementary to an act entitled "An act to provide an armory in the city of Brooklyn, county of Kings, for the use of the Thirteenth regiment of the National guard of the State of New York," passed May sixteen, eighteen hundred and seventy-three.

Passed April 30, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of supervisors of the county of Kings are hereby authorized to award the necessary contracts for the construction of a suitable building on the land heretofore purchased for that purpose, for an armory for the use of the Thirteenth regiment of the National guard of the State of New York, at a cost not to exceed the sum of fifteen thousand dollars, in addition to the amount authorized and provided therefor by chapter five hundred and twenty-three of the laws of eighteen hundred and seventy-three, entitled "An act to provide an armory in the city of Brooklyn, county of Kings, for the use of the Thirteenth regiment of the National guard of the State of New York."

§ 2. For the purpose of providing for the payment of the additional outlay authorized by the preceding section, the board of supervisors of the county of Kings are hereby authorized to issue certificates of indebtedness in addition to those heretofore authorized for the same purpose, but not exceeding the sum of fifteen thousand dollars, payable with interest, as follows, to wit: One-fifth of said amount in one year; one-fifth thereof in two years; one-fifth thereof in three years; one-fifth thereof in four years; and one-fifth thereof in five years thereafter. And there shall be inserted in the annual tax levy of said county, for each year, a sum sufficient and for the purpose of paying the principal and interest of said certificate as they respectively mature;

Board of supervisors may award contract for building armory.

Certificates of indebtedness may be issued.

When payable.

Tax.

which said sum shall be applied to the payment thereof, and of the interest accruing thereon, until all of them shall be paid.

§ 3. All acts and parts of acts inconsistent with this act are hereby Repealed.

§ 4. This act shall take effect immediately.

Chap. 303.

AN ACT in relation to the estimates and apportionment for the support of the government of the county of New York.

Passed April 30, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The board of estimate and apportionment constituted by section one of chapter seven hundred and seventy-nine of the laws of eighteen hundred and seventy-three, is hereby authorized by a concurrent vote of all the members thereof, at any time before the first day of July, eighteen hundred and seventy-four, to reconsider, revise and redetermine the estimate heretofore made under the provisions of said act for the year eighteen hundred and seventy-four, and the estimates so reconsidered, revised and redetermined and approved by the concurrent vote of all said members, shall thereby be appropriated as the amount of money required to defray all the various expenses necessary for conducting the county government, and for supporting inmates of asylums, reformatories and charitable institutions chargeable by existing provisions of law upon the county of New York, and for defraying all legal charges against the county of New York under special laws, and also for paying the interest on the county debt and the principal of such debt falling due in the year eighteen hundred and seventy-four, and the proportion of the State tax for the year eighteen hundred and seventy-four payable by said county, and thereupon to fix and determine the amount of such estimates and various expenses and charges after deducting the estimated amount of county revenue not otherwise appropriated by law, which amount when so fixed and determined, shall be certified to the board of supervisors of the county of New York by the comptroller, and said board of supervisors are hereby empowered and directed to cause the amount so certified to be levied and collected in the year eighteen hundred and seventy-four, by tax upon the estates within the county of New York subject to taxation. But the aggregate amount of the estimate for the year eighteen hundred and seventy-four, to be made by the said board of estimate and apportionment, shall not exceed the amount of the estimate heretofore made by the said board as aforesaid. In the estimate so to be made no sum shall be included except the same be appropriated for a specified department or purpose, and no sum shall be appropriated for special contingencies.

§ 2. The said board of estimate and apportionment shall have the power at any time to transfer any appropriation for any year which may be found by the head of the department for which such appropriation shall have been made to be in excess of the amount required or deemed to be necessary for the purposes or objects thereof, to such other purposes or objects for which the appropriations are insufficient, or such as may require the same ; and if it is found at the time when the esti-

Estimate heretofore made may be revised, &c.

Revised estimate, how to be appropriated.

Amount to be fixed.

To be certified by the comptroller.

Tax.

Limit of aggregate amount.

Excess may be transferred to other purposes.

Surplus
may be ap-
plied the
next year.

mate is made of the expenses of conducting the public business of the county of New York for the next succeeding fiscal year, that there will be a surplus or balance remaining unexpended of any appropriation then existing at the end of the current fiscal year, such surplus may be applied to like purposes in the next succeeding year.

Bonds,
payment
of first in-
stallment
postponed.

§ 3. The payment of the bonds authorized by section three of chapter ninety-five of the laws of eighteen hundred and seventy-three, instead of commencing in the year eighteen hundred and seventy-four, as therein provided, shall have the first installment thereof paid in the year eighteen hundred and seventy-six, and the other installments annually thereafter.

§ 4. This act shall take effect immediately.

Chap. 304.

AN ACT to consolidate the government of the city and county of New York, and further to regulate the same.

Passed April 30, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

The
county
and city of
New York
consoli-
dated.
Property,
&c., of
county
vested in
the corpo-
ration.

SECTION 1. The county of New York and the corporation known by the name of "The Mayor, Aldermen and Commonalty of the city of New York," shall be one body corporate and politic by the said name; and all the rights, property, interests, claims and demands of the county of New York, and of the supervisors or board of supervisors of the said county of New York, are hereby vested in and shall henceforth belong to the said corporation; but nothing contained in this act shall abrogate or impair or in anywise affect any existing right or interest, except to vest it in the said corporation.

The local
adminis-
tration to
be per-
formed by
the corpo-
ration.
Charges
and liabil-
ties
against
county to
be city
charges.
Bonds,
&c.

§ 2. For all purposes the local administration and government of the city and county of New York shall be in and be performed by the one corporation aforesaid. All charges and liabilities now existing against said county, or which may hereafter arise or accrue in said city and county of New York, and which, but for this act, would be charges against or liabilities of said county, shall be henceforth deemed and taken to be charges against or liabilities of said corporation, and shall be defrayed or answered unto by it. All bonds, stocks, contracts and obligations of the said county and of the said board of supervisors, now existing, shall henceforth be deemed such of and against said corporation, and all such that are or may be authorized or required to be hereafter issued or entered into shall be issued or entered into by and in the name of the said corporation.

Powers
and duties
of board of
super-
visors to be
exercised
by board of
alder-
men.

§ 3. All the powers and duties that now are or hereafter may be conferred or charged upon the board of supervisors of the said city and county shall be exercised and performed by the board of aldermen of said city as such, subject nevertheless to the like power of approval or rejection by the mayor of said city, as is or may be required by law in respect to acts of the common council of said city, except that when by the Constitution or laws of this State any action is specifically required to be taken by the board of supervisors of said city and county, which cannot, under any power conferred by this act or otherwise, be taken in any other manner, such action may be taken by the said board of aldermen as the board of supervisors of the said city and county.

§ 4. All funds and moneys now held by or payable to any officer as county treasurer of the said city and county shall henceforth be deemed to be held by him solely as the funds and moneys of said corporation, except such funds and moneys as shall be held by and payable into the treasury of the State of New York. Funds held by county treasurer.

§ 5. This act shall take effect immediately.

Chap. 305.

AN ACT explanatory of an act to consolidate the government of the city and county of New York and further to regulate the same.

Passed April 30, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Nothing in the act entitled "An act to consolidate the government of the city and county of New York and further to regulate the same," shall be construed to affect the election and appointment of county officers whose election or appointment is provided for by the Constitution of this State, the apportionment of members of Assembly, or any other purposes for which the city and county of New York is recognized in the Constitution as one of the counties of this State.

§ 2. This act shall take effect immediately.

Chap. 306.

AN ACT to amend the charter of the Central Trust Company of New York.

Passed April 30, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The fourteenth section of chapter eight hundred and thirty-two of the laws of eighteen hundred and seventy-three, passed twenty-fifth of June, eighteen hundred and seventy-three, entitled "An act to incorporate the Central Trust Company of New York," is amended by striking out the words "on bond and mortgage" where the same occurs therein, and inserting the words, "on bond secured by mortgage," immediately before the words "upon unincumbered real estate worth double the sum loaned thereon" in said section, and the time within which the said company is required to complete its organization is extended one year from the passage of this act. Amendment. Time to complete organization extended.

§ 7. This act shall take effect immediately.

Chap. 307.

AN ACT for the relief of the Greenwood and Coney Island Railroad Company in Kings county, and to authorize the extension of its tracks through certain streets and avenues in the city of Brooklyn.

Passed May 1, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- | | |
|---|--|
| Railroad
may be
extended. | SECTION 1. The Greenwood and Coney Island Railroad Company in the county of Kings, duly authorized under and pursuant to the laws of the State of New York, are hereby authorized to construct, maintain and operate an extension of their railroad in, through and upon the following streets and avenues in the city of Brooklyn, namely: From the junction of Gravesend avenue through Tenth avenue to Nineteenth street, through Nineteenth street to Ninth avenue, through Ninth avenue to Fifteenth street, through Fifteenth street to Hamilton avenue, and through Hamilton avenue to the Hamilton avenue ferry. Also from the junction of Hamilton avenue and Hicks street through Hicks street to Atlantic street, through Atlantic street to the South Ferry, together with the necessary connections, stands, switches, sidings, curves, turn-tables, and turn-outs for the proper and convenient working and operation of said railroad as herein provided for. |
| Route. | |
| Stands,
switches,
&c. | |
| Authority
to use
other rail-
road
tracks. | § 2. In the construction, operation or use of said railroad, upon the route or routes herein designated, should said company deem it necessary or proper to run upon, along and over, or intersect or use any portion of any other railroad tracks now laid upon any of the streets or avenues above named, they are hereby authorized to run upon, along and over, and intersect and use the same; and in case they cannot agree with the owner or owners thereof respecting the compensation or payment to be made therefor, then the amount of such compensation or payment shall be ascertained and determined in the manner provided in subdivision six of the twenty-eighth section of the act entitled "An act to authorize the formation of railroad corporations, and to regulate the same," passed April second, eighteen hundred and fifty. |
| Compens-
ation. | |
| Rate of
fare. | § 3. The rate of fare upon the routes herein designated shall be the same as is now charged by the Brooklyn City Railroad Company, and all laws and ordinances of the city of Brooklyn relating to horse railroads generally shall be applicable thereto. |
| Rails,
their
weight,
&c.

Motive
power. | § 4. The said Greenwood and Coney Island Railroad Company may use in the construction and operation of their railroad any improved rail of not less than forty pounds to the lineal yard, and may operate with steam or other motive power that portion of their railroad lying between Ninth avenue and Nineteenth street and Coney Island beach.
§ 5. This act shall take effect immediately. |

Chap. 308.

AN ACT in relation to the estimates and apportionment for the support of the government of the city New York.

Passed May 1, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- | | |
|----------|---|
| Revision | SECTION 1. The board of estimate and apportionment constituted by |
|----------|---|

section one hundred and twelve of chapter three hundred and thirty-five of the laws of eighteen hundred and seventy-three, is hereby authorized, at any time before the first day of July, eighteen hundred and seventy-four, by the concurrent vote of all the members of said board, to reconsider, revise, and redetermine the estimate for the year eighteen hundred and seventy-four heretofore made under the provisions of said act, and of section twenty of chapter seven hundred and fifty-seven of the laws of eighteen hundred and seventy-three, and the amount of the estimate so reconsidered, revised and redetermined and approved by the concurrent vote of all of the members of said board, shall thereby become appropriated as the amount of money required to defray the expenses of conducting the public business of the city of New York and of the various departments, boards and commissions thereof, whether administrative, executive or judicial, and for paying the interest on the city debt and the principal of such debt falling due in and for the year eighteen hundred and seventy-four, and for all liabilities of the city of New York, by reason of the annexation thereto of territory lately a part of Westchester county, and for the expenses of conducting the public business of said annexed territory for and during said year, and the liabilities incurred by the board of education of said territory during the year eighteen hundred and seventy-three, which are hereby made an obligation of the city of New York; and the aggregate amount of said estimate, after deducting the estimated amount of the revenues of the general fund of the city of New York, not otherwise specifically appropriated by law, including surplus revenues of the sinking fund for the payment of interest on the city debt, shall be established and be the amount to be raised for all such purposes, by tax, within the city and county of New York for the year eighteen hundred and seventy-four, and the amount thus established shall be certified to the board of supervisors by the comptroller; and the said board of supervisors are hereby empowered and directed to cause the amount so certified to be raised and collected in the year eighteen hundred and seventy-four, by tax upon the estates by law subject to taxation within the city and county of New York. But the aggregate amount of the estimates for the year eighteen hundred and seventy-four, to be made by the said board of estimate and apportionment, shall not exceed the amount of the estimate heretofore made by the said board, as aforesaid. In the estimate, so to be made, no sum shall be included except the same be appropriated for a specified department or purpose, and no sum shall be appropriated for special contingencies.

§ 2. The said board of estimate and apportionment shall have the power at any time to transfer any appropriation for any year which may be found, by the head of the department for which such appropriation shall have been made, to be in excess of the amount required or deemed to be necessary for the purposes or objects thereof, to such other purposes or objects for which the appropriations are insufficient, or such as may require the same; and if it is found at the time when the estimate is made of the expenses of conducting the public business of the city of New York for the next succeeding fiscal year, that there will be a surplus or balance remaining unexpended of any appropriation then existing at the end of the current fiscal year, such surplus may be applied to like purposes in the next succeeding year.

§ 3. The amount of money required by provision of section eight of chapter seven hundred and two of the laws of eighteen hundred and seventy-two, to be included in the amount to be raised by tax in the year eighteen hundred and seventy-three, by section four of chapter

of estimate
heretofore
made.

Revised
estimate
to be
amount
for defray-
ing ex-
penses,
&c.

Amount
to be
raised by
tax.

To be cer-
tified by
the comp-
troller.

Tax.

Amount
limited.

Excess of
appropri-
ations may
be trans-
ferred.

Surplus
may be
applied
the next
year.

Amount
for im-
prove-
ment for
Fourth
avenue to

be levied in 1875. ninety-five, laws of eighteen hundred and seventy-three, to be included in the amount to be raised by tax in the year eighteen hundred and seventy-four, shall, instead of being raised in eighteen hundred and seventy-four, be raised and included in the amount to be levied by tax in the year eighteen hundred and seventy-five, and in anticipation of the levy and collection thereof, the comptroller is authorized and required to issue revenue bonds for such amounts as may from time to time be required to be paid pursuant to the provisions of section seven of said chapter seven hundred and two of the laws of eighteen hundred and seventy-two, such revenue bonds to be paid from the amounts so to be raised by tax in the year eighteen hundred and seventy-five. This act shall not be construed to authorize said board to reduce or transfer any appropriation heretofore or hereafter made for the purposes of carrying out the provisions of the acts mentioned in this section, and except as herein modified. All the provisions of chapter seven hundred and two of the laws of eighteen hundred and seventy-two are confirmed and continued in full force and effect.

Revenue bonds.
How to be paid.
No moneys to be raised in the year 1874 for certain purposes.

§ 4. No moneys shall be levied and raised in the year eighteen hundred and seventy-four by tax within the county of New York, for the purposes authorized by section seventeen of chapter five hundred and thirty-five of the laws of eighteen hundred and seventy-three, excepting such expenses as may have been actually incurred by the commission in said act named.

§ 5. This act shall take effect immediately.

Chap. 309.

AN ACT to amend an act entitled "An act to incorporate the United States Trust Company of New York," passed April twelfth, eighteen hundred and fifty-three, and the act amendatory thereof, passed March thirty-first, eighteen hundred and sixty-three.

Passed May 1, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of the amendatory act, passed March thirty-first, eighteen hundred and sixty-three, entitled "An act to amend an act entitled 'An act to incorporate the United States Trust Company of New York,'" passed April twelfth, eighteen hundred and fifty-three, is hereby amended so as to read as follows:

Amount in trust, deposit, &c., limited.

§ 3. The amount which the said company shall have in trust, in deposit, or loan at any time shall not exceed ten times the amount of its capital and surplus, nor shall its outstanding loans at any time exceed said amounts, but the said company may at any time receive in deposit and loan out any money which may be deposited with it by any of the courts of this State, including the surrogates' courts, notwithstanding such limitation.

§ 2. This act shall take effect immediately.

Chap. 310.

AN ACT to amend the charter of the village of Edgewater.

Passed May 1, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of title seven of the act entitled "An act to amend, consolidate, and re-enact an act entitled 'An act to incorporate the village of Edgewater,' passed March twenty-second, eighteen hundred and sixty-six, and an act amending the same, passed April twenty-second, eighteen hundred and sixty-seven, and to extend the powers of the corporation," passed May fifth, eighteen hundred and seventy, and section eight of title fifteen down to and including the word "certified," of the same act, and the whole of title three of said act and section four of chapter six hundred and sixty of the laws of eighteen hundred and seventy-three, are hereby repealed.

§ 2. The office of police justice in the village of Edgewater is hereby abolished, and from and after the date of the passage of this act, the justices of the peace in the towns of Middletown and Southfield in the county of Richmond shall possess all the jurisdiction now appertaining to said office of police justice as well in criminal cases as in all actions and complaints brought to recover any fine or penalty imposed for the violation of any law, ordinance, by-law, rule or regulation of said village.

§ 3. This act shall take effect immediately.

Chap. 311.

AN ACT to allow the New York and South Side Railroad Company of Long Island to purchase the South Side railroad of Long Island, and its franchises.

Passed May 1, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The New York and South Side railroad, of Long Island, a company organized under the laws of this State, is hereby authorized to purchase the South Side railroad, of Long Island, and all its franchises, at any sale to be made under foreclosure, or under any arrangement with the said South Side Railroad Company, or any grantee of its road and franchises, by which they will be able to acquire title thereto.

§ 2. The said New York and South Side Railroad Company, of Long Island, is hereby authorized to receive subscriptions to its capital stock and receive in payment therefor the stock and any of the liabilities of the said South Side Railroad Company upon such terms as may be approved by the directors of the said New York and South Side Railroad Company.

§ 3. During any default in payment of any part of the principal or interest of bonds secured by the mortgages of said South Side Railroad Company, commonly known as first mortgage and consolidated sinking fund first mortgage, or so long as any part of said principal or interest shall be due and remain outstanding as a lien under said mortgages or either of them, the said New York and South Side Railroad Company shall not apply any portion of its earnings, income or property to payment of any debts other than for necessary repairs and current expenses, and shall apply the residue to payment of the principal or interest due or to become due upon said mortgage bonds; but nothing herein shall

forbid the execution by said New York and South Side Railroad Company of bonds secured by mortgage, subject to the mortgages aforesaid; the proceeds to be applied to the uses of said company, either in settlement of debts, construction of lines, or purchase of connecting lines. The books of said New York and South Side Railroad Company are to be open to inspection of the trustees for the time being of said two mortgages of the South Side Railroad Company, or either of them.

§ 4. This act shall take effect immediately.

Chap. 312.

AN ACT in relation to taxes and assessments in the city of New York and the collection and vacation thereof.

Passed May 2, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The first section of the act, passed April seventeenth, eighteen hundred and fifty-eight, entitled "An act in relation to frauds in assessments for local improvements in the city of New York," is hereby amended by striking from said section the words "or legal irregularity," so that said first section shall conform to the said title, and as amended shall read as follows:

§ 1. If, in the proceedings relative to any assessment or assessments for local improvements in the city of New York, or in the proceedings to collect the same, any fraud or substantial error shall be alleged to have been committed, the party aggrieved thereby may apply to a judge of the Supreme Court, in special term or in vacation, who shall thereupon, upon due notice to the counsel of the corporation of the city in which the lands so assessed are situated, proceed forthwith to hear the proofs and allegations of the parties.

§ 2. The second section of the act, passed April seventeenth, eighteen hundred and fifty-eight, entitled "An act in relation to frauds in assessments for local improvements in the city of New York," is hereby amended by striking from said section the words "or irregularity," so that said second section, as amended, shall read as follows:

§ 2. If upon such hearing it shall appear that the alleged fraud or substantial error has been committed, the said assessment shall be vacated, and the lien created thereby, or by any subsequent proceedings, shall cease, and hereafter no suit or action in the nature of a bill in equity or otherwise shall be commenced for the vacation of any assessment in said city, or to remove a cloud upon title; but owners of property shall hereafter be confined to their remedies in such cases to the proceedings under the act hereby amended.

§ 3. This act shall take effect immediately.

Chap. 313.

AN ACT to amend an act entitled "An act in relation to certain local improvements in the city of New York," passed May seventh, eighteen hundred and seventy-two.

Passed May 2, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of an act entitled "An act in relation to cer-

Books to be open to inspection.

Fraud or substantial error in assessment, remedy for.

Assessment to be vacated for fraud or error.

Action to vacate assessment or remove cloud shall not be commenced.

tain local improvements in the city of New York," passed May seventh, one thousand eight hundred and seventy-two, is hereby amended so as to read as follows :

§ 7. No assessment heretofore made or imposed, or which shall hereafter be made or imposed for any local improvement or other public work in the said city, already completed or now being made or performed, or which shall hereafter be made, done or performed, shall hereafter be vacated or set aside for or by reason of any omission to advertise, or irregularity in advertising any ordinance, resolution, notice or other proceeding relative to or authorizing the improvement or work for which such assessment shall have been made or imposed, or for proposals to do the work, or for or by reason of the omission of any officer to perform any duty imposed upon him, or for or by reason of any defect in the authority of any department or officer upon whose action the assessment shall be in any manner or to any extent dependent, or for or by reason of any omission to comply with or carry out any detail of any law or ordinance ; or for or by reason of any irregularity or technicality, except only in cases in which fraud shall be shown, and in case of assessment for repaving any street or public place, upon property for which an assessment has once been paid for paving the same street or public place, and all property in said city benefited by any improvement or other public work already completed or now being made or performed, and hereafter made, done or performed, except as aforesaid, shall be liable to assessment for such improvement or work, and all assessments for any such improvement or other public work shall be valid and binding notwithstanding any such omission, irregularity, defect in authority or technicality. But nothing in this section contained shall effect* any suit or proceedings to set aside assessments commenced before the first day of January, eighteen hundred and seventy-two.

Assessment for local improvement not to be set aside for irregularity or technicality.

Fraud.

Property benefited liable to assessment.

Existing suits not affected.

§ 2. This act shall take effect immediately.

Chap. 314.

AN ACT to establish a board of police and fire commissioners of the city of Utica.

Passed May 2, 1874 ; three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. There shall be appointed, in the manner hereinafter provided, four commissioners, to be known as the "Police and Fire Commissioners of the city of Utica," who shall hold their office as specified in section two of this act.

Police and fire commissioners to be appointed.

§ 2. The said commissioners shall be divided into four classes, consisting of one commissioner each, to hold their offices respectively, for one, two, three and four years, the commissioners determining among themselves by lot, who shall hold office for the term of one year, who for the term of two years, who for the term of three years, who for the term of four years, and the term of office of all the commissioners thereafter appointed shall be four years, and during the time of such service, shall be ineligible to, and shall hold no other city or ward office. The term of such commissioners after the first appointment and classification thereof, shall commence on the first day of May, and

To be classified. Terms of office.

Terms of office, when to.

com-
monce.

the term of each classification of the same shall expire on such day of the year for which they are so classified, but such commissioners may continue in office until their successors are duly appointed, and have taken and filed the oath of office.

When
commis-
sioners to
meet and
organize.

§ 3. On or before the first Tuesday of June, eighteen hundred and seventy-four, the four commissioners appointed, as provided by this act, shall meet at the office of the city clerk in said city, and, after having determined by lot to which of the several classes each of them shall belong, shall organize into a board, to be known and designated as the "Board of Police and Fire Commissioners of the city of Utica,"

Powers
and duties
of the
board.

and who shall exercise the powers and fulfill the duties connected with and incident to the control, government and discipline of the police and fire departments of said city, as hereinafter more especially provided for. The commissioners appointed by virtue of this act, shall not directly or indirectly be paid or receive any compensation for their services as such. They shall select from their number one, who shall be chairman of the board; they shall employ a clerk, whose duty it shall be to record its proceeding in a book for that purpose, who shall hold office at the pleasure of the board. The clerk shall make out and present such accounts as the board are authorized by this act to charge against the county of Oneida, or any of the towns therein, or the city of Utica as one of said towns, and do such clerical work as, by this

Commis-
sioners to
receive no
pay.

Chair-
man.

Clerk, his
duties.

act, is devolved on the board. He shall receive therefor two hundred dollars annually. Any vacancy in the number of said commissioners shall be filled by the mayor of said city, within one week after he shall have received notice thereof from the board, and the person appointed to fill the vacancy shall hold office until the expiration of the term of office of the commissioner whose place he was appointed to fill. The said commissioners may be removed by the mayor of said city, upon proof, for official or other misconduct, but not otherwise. Such commissioners shall be furnished with a copy of the charges preferred, and an opportunity given for a defense thereof.

His salary.
Vacancy,
how filled.

§ 4. The common council of the city of Utica shall provide suitable rooms, in the city hall or other public buildings of the city, for the meetings of the commissioners; such meetings shall be held at such times and places as shall be appointed by the chairman of the board, or a majority of the members thereof, and the attendance of three commissioners shall be necessary to constitute a quorum; no meeting of the board shall be held for the appointment or discharge of a policeman or fireman without serving a written or printed notice thereof upon each of the commissioners, or leaving it at his place of residence, at least three hours before the time of meeting; and no appointment or discharge of any policeman or fireman shall be made except by the affirmative vote of a majority of all the commissioners.

Commis-
sioners
may be re-
moved by
the may-
or.

Rooms for
commis-
sioners.

Quorum.

Notice of
meeting to
appoint
or dis-
charge
police-
men.

§ 5. The board thus constituted may appoint not exceeding twenty policemen, who shall constitute the police of the city of Utica, and who shall enter on the discharge of their duties the first day of June, eighteen hundred and seventy-four. The board may also appoint extra policemen when deemed necessary, not exceeding five in number, who shall serve for such time as the board shall deem necessary, not exceeding ten days, unless otherwise authorized by the common council. Any policeman who, during his service as such, shall become intoxicated, shall be dismissed from further duty, and shall be ineligible to reappointment. They shall also have power to appoint special policemen who shall possess the same powers and be subject to the same liabilities as regular policemen, for the benefit of any person, society or

Board of
commis-
sioners to
appoint
not more
than
twenty
police-
men.

Removal.

Special
police-
men.

corporation for lawful purposes, at the expense of the person, society or corporation desiring such appointment, but without any expense or liability whatever on the part of the city.

§ 6. The policemen shall receive for their services such compensation as shall be fixed by the board, not exceeding, in any case, except as herein provided, sixty dollars per month. The board shall select, from the policemen appointed by them, one who shall be chief of police, whose duty it shall be, under the direction of the board, to superintend the police department in said city, of which he shall be chief executive officer. He shall keep a record in a book of all cases and legal proceedings in his department, and of all services performed by him and the several policemen, and of such fees as are allowed to constables in towns for like services. He shall, at least once in every month, report to the board the state of his department, and particularly of such fees, and whether any members of his force are delinquent in their duties. The compensation of the chief of police shall not exceed one hundred dollars per month. The board shall also appoint an assistant chief, to be selected from the policemen of said city, who shall, under the direction of the chief of police, perform any services, and exercise any control which the chief of police could in the management and operations of the department. In the absence or during the inability of the chief of police, the assistant chief shall possess his powers and perform his duties. The compensation of the assistant chief of police shall not exceed eighty dollars per month. The board shall also appoint two or more roundsmen, to be selected from the policemen of said city, who shall be under the direction of the chief of police or his assistant, and who shall, in addition to the duties of policemen, discharge such other duties connected with the department as the board shall prescribe.

Compensation of policemen.

Chief of police, his duties.

To make monthly report.

His compensation.

Assistant chief, his powers and duties.

His compensation.

Roundsmen to be appointed.

§ 7. The chief of police, the assistant chief of police, the roundsmen and each policeman and special policeman, shall, before entering upon the discharge of their duties, each take and subscribe, and file in the office of the city clerk, the constitutional oath of office, and execute a bond, to be approved by said commissioners, conditioned for the faithful performance of their duties, and the accounting for all moneys received by them in their official capacity, and they shall hold their office during good behavior. Any of them may be removed by the board on proof of charges preferred before them in writing, of illegal, corrupt or otherwise improper conduct on which the accused has had an opportunity to be heard in his defense; and pending such charges the board may suspend the policeman accused from pay and duty. The board may also, for disobedience of their orders, or other offense not involving corrupt or criminal conduct, suspend, temporarily, from duty, pay, or both, any policeman.

Official oath and bond.

Term of office.

May be removed.

Suspension.

§ 8. The policemen authorized by this act shall have the same power and authority in criminal cases as constables possess by law, and shall have the same power and authority which a constable possesses in civil cases and proceedings, so far as serving and executing all process or papers in behalf of the corporation of the city of Utica is concerned, but not otherwise. They shall be subjected to the same liabilities and perform the same duties as constables except as herein otherwise provided. They shall execute the orders and commitments of the recorder and of the justices of the peace of said city, and of all courts held by him or them; and shall convey all persons sentenced by him or them to jail, to the penitentiary, or house of refuge, and they shall serve and execute all civil process or proceedings issued or directed by any officer or court in favor of said city, or in which said city shall be a party.

Policemen to have the powers of constables.

Police-
men to re-
ceive no
fees, &c.,
except as
herein
provided.

Expenses
to be paid.

To be
charged
to county
or city.

To be and-
ited.

Police-
men to re-
ceive no
present,
&c., with-
out appro-
val of
board.

Board
may
charge
county,
&c., for
services of
policemen
in crim-
inal cases.

Fees to be
included
in judg-
ment,
when.

Consta-
bles not
compella-
ble to
serve pro-
cess assen-
ed by re-
corder,
&c.

Neither
the county
nor city
charge-
able with
certain
fees.

Fines and
penalties
to be paid
to city
treasurer.

Treasurer
to give
statement
of moneys
received,
&c.

§ 9. No fees or compensation other than is herein provided shall be charged or received by any policeman or special policeman for the arrest, confinement or discharge of any person, or for mileage, or for serving any process or warrant, or for discharging any other duty required by this act to be performed by him. But any reasonable and necessary expenses incurred by any policeman when traveling in the discharge of his duties as policeman, shall be paid by the treasurer of the city of Utica, on the warrant of the board, and the said board are hereby authorized to charge the county of Oneida or to the said city of Utica as one of the towns thereof, as the case may be, the moneys thus paid, and the same shall be audited and allowed by the board of supervisors of said county, or by the board of town auditors of the city of Utica, to and for the benefit of the said city of Utica, and shall be paid to the treasurer of said city. No policeman or special policeman shall receive any present or reward for services rendered or to be rendered, unless with the approbation of the board, such approbation to be given in writing and filed with the clerk; and any one of their number who shall receive any fee or reward in violation of this section shall forfeit his office.

§ 10. The board is hereby authorized to charge to the county of Oneida, or to the city of Utica as one of the towns thereof, or to any town therein, for services performed by the policemen in criminal proceedings, such fees as are allowed to constables of towns for like services, and chargeable to said county, city or towns, and the same shall be audited and allowed by the board of supervisors of said county, or by the boards of town auditors of such towns, to and for the benefit of the city of Utica, and shall be paid to the treasurer of said city. In cases arising under the ordinances or police laws, or regulations of said city of Utica, where judgment shall be rendered in favor of said city, or where said city would be entitled to judgment, the same fees for the services of such policemen as constables would be entitled to for like services shall be included in such judgment and charged for the benefit of said city; and when paid or collected shall be paid to the treasurer thereof within five days after its receipt.

§ 11. The constables elected in said city, or in the different towns of Oneida county, shall not, as such, be compelled to serve, within the city of Utica, any summons, warrant, subpoena, commitment, order, notice, paper or process whatever, of any name or nature, issued or directed by the recorder or any justice of the peace of said city, in execution of the laws of the State for the prevention of crime and the punishment of criminal offenders, or of the police laws or regulations of the State, or in any proceedings collateral to or connected with the execution of such general laws or police laws or regulations or ordinances. Nor shall the county of Oneida, or any of the towns therein, or the city of Utica, be chargeable with or in any way liable to pay any such constable any fees or disbursements whatever for services rendered or disbursements paid or incurred under or by virtue of such summons, warrant, subpoena, commitment, order, notice paper or process whatever.

§ 12. All fines collected under and by virtue of the ordinances of the city of Utica, and all moneys collected as penalties or for services by the policemen authorized by this act under any such ordinances, and in pursuance of any statutes, shall be paid to the treasurer of said city within five days after their receipt. And it shall be the duty of the treasurer of the city of Utica, in his annual report to the common council of said city, to give a full and accurate statement of all moneys received and expended by him under and by virtue of this act.

- § 13. The contingent expenses of the police department, for office furniture, fuel, lights, stationery, printing, advertising, books, policemen's badges and batons, also the compensation of the clerk of the boards, of the chief of police, of the assistant chief of police and of the policemen and special policemen, severally, shall be paid by the treasurer of the city of Utica, on the warrant of the board. All warrants for the purpose must be authorized by a vote of the board, and signed by the chairman and clerk thereof. Contingent expenses and compensation of policemen, how to be paid. Warrants.
- § 14. The common council of said city of Utica shall provide and keep in order such station-houses, lock-ups, and other necessary accommodations, as shall be required for the use of the police department, and all necessary houses and stables for the use of the fire department. Station-houses, lock-up, &c.
- § 15. The policemen and firemen who may be in service in said city of Utica at the time of the passage of this act shall continue in office until the first day of June, one thousand eight hundred and seventy-four, but for no longer period unless by a vote of the majority of the board. Present policemen and firemen to continue in office.
- § 16. The board shall organize fire companies, and appoint a sufficient number of able-bodied and reputable inhabitants of the city of Utica firemen, to belong to such companies, and shall pay them a reasonable compensation for their services as such firemen. They shall appoint one of the said firemen chief engineer of the fire department, who shall, under the directions of the board, have full control of the department, and the board shall also appoint two of said firemen who shall act as assistants to the chief engineer in the management and control of the fire companies and fire apparatus during the extinguishment of fires. The number of firemen to be appointed and so paid shall not exceed, in the aggregate, twelve to each steam fire engine, and twelve to each hook and ladder company. The said board shall pay the chief engineer, his two assistants, the steamer engineers, stokers, drivers and foremen of fire companies, such additional compensation as shall be just and reasonable. The board shall have power to remove, in their discretion, any of its appointees provided in this section. Board to organize fire companies, &c. Chief engineer. Assistants. Number of firemen. Additional compensation to chief engineer, &c.
- § 17. The expenses of the fire department for apparatus and equipments, together with the cost of maintaining the same, and the salaries of the several officers and members of the said fire department, shall be paid by the treasurer of the city of Utica, on the warrant of the board, signed by its chairman and clerk, and authorized by a vote of a majority of its members. Expenses, salaries, &c. how paid.
- § 18. The board shall, before the first day of July in each year, make out an estimated statement of the amount necessary to defray the increased cost of the fire department for the current year over that for the year eighteen hundred and seventy-three, and present the same to the common council, who shall include the amount thereof in the city tax assessment roll in addition to the sum of forty thousand dollars authorized by section forty-seven of the charter of said city, to be raised as the "city fund;" but the amount so included shall not exceed ten thousand dollars annually. Estimated statement of increased cost to be made. Tax. Limit of amount.
- § 19. The said board shall on the first Tuesday of April annually prepare an estimate of the cost of maintaining the police and fire departments under their direction and control, which estimate shall be furnished to the common council of said city, and a copy thereof delivered to the city treasurer, and the said treasurer shall place the amount of such estimate to the debit of the "city fund" of said city, and credit the same on his books to the "Police and Fire Department Fund," which fund shall be applied only to the payment of drafts or orders Board to make annual estimate of cost of police and fire departments. Application of fund.

Excess
may be
transfer-
red.

issued by said board of commissioners. In case the said board shall any time, determine that the amount annually so placed to the credit of the Police and Fire Department Fund is more than will be necessary to defray the expenses of said departments for such current year, the city treasurer may by direction of said board of commissioners, transfer the excess thereof from the police and fire department fund to the credit of the city fund of said city.

Estimate
for the
year.

§ 20. The said board shall on the first day of July next make the estimate required by section nineteen of this act, for the year ending on the first Tuesday of April eighteen hundred and seventy-five.

Rules and
regula-
tions.
Proviso.

§ 21. The board shall make such rules and regulations as to it may seem best for the good government of themselves and the police and fire departments, provided such rules and regulations shall not conflict with the laws of the State or of the United States.

Mayor to
appoint
commis-
sioners,
when and
how.
Annual
appoint-
ment.

§ 22. The mayor of said city shall, within five days after he has received official notice of the passage of this act, appoint the commissioners referred to in section one of the same, by the appointment of two commissioners from each of the two principal political parties of the State. The mayor of said city shall, annually, on the first Monday of April thereafter, appoint one commissioner in place of the commissioner whose term of office will expire, as hereinbefore provided for, and such appointment shall be from the political party, to which the said commissioner whose office has expired belonged.

Property
to be
under con-
trol of
commis-
sioners.

§ 23. Upon the organization of the board, as authorized by section three of this act, all the property and effects owned by the city of Utica in the use and occupation, or which may be obtained for such use, either the police or fire departments thereof, shall be under the direct control, management and management of said commissioners.

Repeal.

§ 24. All sections or parts of an act entitled "An act to revise the charter of the city of Utica," passed February twenty-eighth, eighteen hundred and sixty-two, and as amended February twenty-fifth, eighteen hundred and seventy, and all subsequent amendments to said act, and all city ordinances and other provisions of law in conflict with the act, in so far as they may conflict, are hereby repealed.

§ 25. This act shall take effect immediately.

Chap. 315.

AN ACT to enable the mayor and common council of Long Island City to borrow money.

Passed May 2, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Loan au-
thorized.

SECTION 1. It shall be lawful for the mayor and common council of Long Island City to raise by loan a further sum of eighteen thousand dollars, by the creation of a further fund or stock, redeemable as follows, namely: Six thousand dollars to be paid in eighteen hundred

Stock,
when pay-
able.

and ninety-five, and six thousand dollars to be paid in each year thereafter, until the whole amount thereof shall be paid, which sum

How to be
expended.

not exceeding eighteen thousand dollars, authorized to be raised by this act, shall be expended in and applied to the payment of the expenses of completing the survey and plan of Long Island City, and the necessary maps, profiles, records and monuments of such survey

and plan, and for making ward maps of said city for assessment purposes, and for no other purpose, and shall be in addition to the several sums authorized to be raised for the purpose of making such survey, plan, maps, profiles, records and monuments, by chapter four hundred and sixty of the laws of eighteen hundred and seventy-one, entitled "An act to enable the mayor and common council of Long Island City to borrow money," passed April thirteenth, eighteen hundred and seventy-one, and by chapter eight hundred and fifty-nine of the laws of eighteen hundred and seventy-two, entitled "An act to amend an act entitled 'An act to provide for laying out streets, avenues, roads and parks in Long Island City,' " passed April twenty-sixth, eighteen hundred and seventy-one, passed May twenty-fifth, eighteen hundred and seventy-two, and by chapter four hundred and fifty-eight of the laws of eighteen hundred and seventy-three, entitled "An act to enable the mayor and common council of Long Island City to borrow money," passed May ninth, eighteen hundred and seventy-three.

§ 2. It shall be lawful for the mayor and common council of Long Island City to determine the nominal amount of value of each share or bond of the loan authorized by this act, and of what number of shares the same shall consist. And they are hereby authorized to sell and dispose of the same at not less than the par value thereof, either at public auction or private sale.

§ 3. The bonds issued under and pursuant to the provisions of this act shall in no case bear an interest greater than seven per cent. per annum; nor shall they be issued sooner than required by the exigencies of the object for which they are created, and the number of years which each bond shall have to run, and the object for which it shall be issued shall be expressed upon the face thereof.

§ 4. In order to redeem the loan authorized by this act, with the interest thereon, all of which interest shall be paid semi-annually, the mayor and common council of said city are hereby authorized and directed to order, and cause to be raised by general tax on all the taxable property within said city, and to be collected in addition to the ordinary taxes, yearly and every year until such loan shall be fully redeemed, with the interest thereon, such sums as shall be required by the provisions of this act.

§ 5. This act shall take effect immediately.

Chap. 316.

AN ACT to amend an act entitled "An act to incorporate the city of Cohoes," passed May nineteenth, eighteen hundred and sixty-nine.

Passed May 2, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eleven of title ten of the act entitled "An act to incorporate the city of Cohoes," passed May nineteenth, eighteen hundred and sixty-nine, is hereby amended so as to read as follows:

§ 11. Said board of education shall, at their first annual meeting after each annual election, or as soon thereafter as practicable, appoint a clerk of said board of education, who shall also be librarian, and as such clerk and librarian shall perform all the duties which are or may be

Mayor and common council may determine nominal value of each bond.

Rate of interest.

When to be issued.

Annual tax for redemption of loan.

Board of education to appoint a clerk. His duties.

required by the general school laws and board of education. As clerk of the board of education, he shall keep a record of the proceedings of the board and perform such other duties as the board may prescribe.

Evidence. The said record, or a transcript thereof certified by the president and clerk, shall be received in all courts of justice as evidence of the facts therein set forth; and such records and all books of account, vouchers and papers of said board, shall be at all times subject to the inspection of the common council of the city of Cohoes, or any committee thereof.

Clerk may be removed. Said clerk and librarian may be removed from office by said board of education at any time at their pleasure, by a vote of a majority of all the school commissioners elected. The clerk and librarian shall receive for all his services such annual salary as the board of education may determine, not exceeding three hundred dollars.

Salary.

Annual tax for teachers' wages and contingent expenses. § 2. In addition to the amount required by section sixteen of title ten of said act, to be set apart for the use of the common schools in said city, the common council of said city shall have the power, and it shall be their duty, to raise annually by tax, to be levied equally upon all the real and personal estate in said city which shall be liable to taxation for the ordinary city taxes or for county charges, such sum as shall be required by said board of education, not exceeding one-quarter of one per cent. on the assessed valuation of the taxable property in said city, said sum so raised as aforesaid, shall be used by the board of education for the payment of teachers' wages and the contingent expenses of the schools.

§ 3. Subdivision six of section thirteen of said act is hereby amended so as to read as follows:

Board of education, its powers. Repeal. 6. To contract with and pay all teachers in said schools and at their pleasure remove them, and to employ a superintendent of said schools.

§ 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 5. This act shall take effect immediately.

Chap. 317.

AN ACT to amend an act entitled "An act to amend the charter of the village of Dunkirk," passed April twentieth, eighteen hundred and sixty-seven.

Passed May 2, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of title twenty-seven of chapter four hundred and seventy-nine of the laws of the State of New York, entitled "An act to amend the charter of the village of Dunkirk," passed April twentieth, eighteen hundred and sixty-seven, is hereby amended so as to read as follows:

Trustees may fill vacancy in office of police justice. § 6. In case the said office of police justice shall become vacant by death, resignation or otherwise, the board of trustees of the village of Dunkirk may, by a writing under the corporate seal of said village, and signed by the president, or presiding officer, and village clerk, appoint some elector, resident of said village, police justice to fill such vacancy, which said appointment shall be executed in duplicate, and one copy thereof shall be filed with the clerk of said village, and the other shall be filed in the office of the clerk of the county of Chautauqua; and the person so appointed shall, upon complying with the requirements of

section two of this title, be vested with all the rights, powers and duties of police justice of the village of Dunkirk, and shall be subject to all the provisions of said title twenty-seven so far as the same are applicable to him, and he shall hold his office until the next annual election, and until another is elected and shall have qualified in his place; provided, however, in case the said town and village shall have already elected a police justice who, by virtue of such election, would be entitled to enter upon the duties of his office the first day of January succeeding the appointment above provided for, that then and in that case the said police justice so appointed shall hold his office until the first day of January succeeding his appointment, and until his successor shall have qualified in his place.

Term of office.

Proviso.

§ 2. This act shall take effect immediately.

Chap. 318.

AN ACT to repeal chapter one hundred and eighty-two of laws of eighteen hundred and seventy-two, entitled "An act to authorize the city of Rochester to issue its bonds in aid of the Lake Ontario Shore Railroad Company, and to take the bonds or stock of that company therefor."

Passed May 2, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter one hundred and eighty-two of laws of eighteen hundred and seventy-two, entitled "An act to authorize the city of Rochester to issue its bonds in aid of the Lake Ontario Shore Railroad Company, and to take the bonds or stock of that company therefor," passed April sixth, eighteen hundred and seventy-two, is hereby repealed.

Repeal.

§ 2. This act shall take effect immediately.

Chap. 319.

AN ACT to amend an act entitled "An act to consolidate and amend the several acts relating to the village of Watkins, and to enlarge the powers of the corporation of said village," passed April third, eighteen hundred and sixty-one.

Passed May 2, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of title one of an act entitled "An act to consolidate and amend the several acts relating to the village of Watkins, and to enlarge the powers of the corporation of said village" is hereby amended so as to read as follows:

§ 1. The territory embraced within the following bounds shall constitute the territory of the village of Watkins, namely: Commencing at an iron pin on the west bank of Seneca lake, north twenty-three degrees

village bounds.

fifty-seven minutes west, thirteen hundred eighty-six feet from the north edge of the title block of the Madison street stone bridge over Quarter-mile creek; thence running south sixty-one degrees thirty-five minutes west, one thousand six hundred and ten feet to an iron pin on land now owned by Charles Mathews; thence south twenty-two degrees forty-two minutes east, seven thousand eight hundred and fourteen feet to an iron pin in the center of the highway; thence north eighty-one degrees twenty-three minutes east, one thousand one hundred and thirty-five feet along the center of said highway to an iron pin in the intersection of the centers of the said highway and the highway known as the Corning road; thence south seventy degrees ten minutes east, one thousand one hundred and seventy-three feet to an iron pin in the intersection of the south line of the Schuyler County Agricultural Fair Grounds and the east line of Franklin street; thence north sixty-nine degrees four minutes east, five thousand ninety feet along the said south line of Schuyler County Agricultural Fair Grounds, and that line produced to an iron pin in the east line of the highway known as the Rock Cabin road; thence north sixteen degrees twenty-six minutes west, four hundred and ninety-three feet to an iron pin, thence north twenty-two degrees forty-eight minutes west, eight hundred and forty-two feet to an iron pin; thence north seventeen degrees fifty-two minutes west, one thousand seven hundred and sixty-eight feet to an iron pin near face of rocks; thence north seven degrees forty-one minutes west, four hundred and one feet to an iron pin near face of rocks; thence north twelve degrees fifty-two minutes west, one thousand two hundred and ninety feet to an iron pin near face of rocks, thence north sixteen degrees thirty minutes west, six hundred and seventy-seven feet to an iron pin driven among the roots on the south side of a large elm tree near the old Toll Gate spring; thence north eighty degrees forty-five minutes west, seven thousand one hundred and thirty feet across Seneca lake to the place of beginning. All the above bearings are referred to true meridian.

§ 2. Section five, of title six, of said act as heretofore amended, is hereby amended by adding thereto as follows:

Mode of proceeding in opening, &c., of streets and alleys. § 5. Said trustees may also proceed in the opening, alteration or discontinuing of any streets or alleys in said village, in the same manner as commissioners of highways of the several towns of this State are authorized to proceed in opening, altering or discontinuing of highways, and in case the provisions of this act are complied with, no other further or additional proceedings shall be required for the opening, altering or discontinuing streets or alleys in said village, or in ascertaining and determining the damages therefor.

Claim for damages to be made within six months. § 3. In case of the mapping or remapping of said village and the streets and alleys thereof by the trustees aforesaid, and any streets or alleys shall be altered or changed, or claimed to have been altered or changed, by the map or ordinances of the trustees adopting such map and defining the lines and measurements of streets thereon referred to, no person shall be entitled to damage for any such alteration or change unless he shall make claim in writing therefor to the board of trustees within six months from the first publication of such resolution or ordinances; provided that such resolution or ordinances shall not require any fence, building or other structure existing at the time of such first publication to be removed, but shall be allowed to remain until such fence, building or structure shall be rebuilt.

Proviso.

§ 4. This act shall take effect immediately.

Chap. 320.

AN ACT to authorize the Geneva and Southwestern Railway Company to acquire title to certain real estate for the purposes of said railway.

Passed May 2, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Whenever ten thousand dollars a mile for every mile of that portion of the Geneva and Southwestern Railway, from its terminus in the village of Geneva, to its intersection with the Northern Central Railway in the town of Seneca, at the station thereon known as the Gorham station, shall be in good faith subscribed to the capital stock of such railway by the village of Geneva, with condition that the same shall be expended wholly on such section of said railway, and ten per cent. thereof paid in, the said railway company may, by its properly constituted officers, apply for the appointment of commissioners, for the purpose of acquiring the necessary title to real estate upon such section of said railway.

When application for appointment of commissioners may be made.

§ 2. Such application shall be made in all respects according to the requirements of the general railroad law, act of eighteen hundred and fifty, chapter one hundred and forty, section fourteen, and the several acts amendatory thereof; and the powers and duties of such commissioners, when appointed, shall be such only as are provided by such act and the several acts amendatory thereof.

Application, how made.

§ 3. Such commissioners, when so appointed, shall have all the powers and be subject to all the restrictions provided by said general railroad law and the acts amendatory thereof, that they would have if duly appointed for the whole length of said railroad, according to the terms of its charter, except that nothing herein contained shall authorize them to act or exercise any authority, by virtue of such appointment upon any portion of said railway, or in the appraisal of any damages other than those upon the section above specified, as lying between the Northern Central Railroad at Gorham station, and the terminus of said Geneva and Southwestern Railway in the village of Geneva, in the county of Ontario.

Powers, &c., of commissioners.

§ 4. This act shall take effect immediately.

Chap. 321.

AN ACT to amend section twenty-seven, title seventeen of chapter eight of part third of the Revised Statutes, entitled "General miscellaneous provisions concerning suits and proceedings in civil cases."

Passed May 2, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section twenty-seven of the seventeenth title of chapter eight of the third part of the Revised Statutes is hereby amended so as to read as follows :

Majority
may act.

§ 27. Whenever any power, authority or duty is confided by law to three or more persons, and whenever three or more persons or officers are authorized or required by law to perform any act, such act may be done and such power, authority or duty may be exercised and performed by a majority of such persons or officers upon a meeting of all the persons or officers so intrusted or empowered, unless special provision is otherwise made, and whenever a duty has been or shall be enjoined by law upon three or more persons or officers, and one or more of them shall have died, or have become mentally incapacitated to act, or shall refuse or neglect to attend a meeting of such persons upon reasonable personal notice thereof, then the action of a majority of the whole number appointed shall be binding and effective for all the purposes for which they were appointed, unless special provision is otherwise made in existing laws.

Proviso.

Chap. 322.

AN ACT to amend chapter three hundred and seventy-nine of the laws of eighteen hundred and forty-eight, entitled "An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State," passed April twelfth, eighteen hundred and forty-eight.

Passed May 2, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section eleven of chapter three hundred and seventy-nine of the laws of eighteen hundred and forty-eight, entitled "An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State," passed twelfth April, eighteen hundred and forty-eight, as the same has been since then amended, is hereby further amended by adding at the end thereof the following :

Appeal to
court of
appeals.

No appeal shall be hereafter taken to the Court of Appeals from any judgment or order granting or refusing a new trial where the amount of the judgment or subject-matter in controversy in the action or proceeding does not exceed five hundred dollars, exclusive of the costs therein, unless the general term of the court, from whose decision or determination such appeal shall be taken, shall, by an order to be entered in its minutes, state that there is involved some question of law which ought to be reviewed in the Court of Appeals. In actions not founded upon contract where the judgment appealed from is for the defendant the amount claimed in the complaint shall be deemed the amount of the subject-matter of the controversy. But nothing in this provision contained shall apply to actions or proceedings affecting the title to real estate, or an interest therein.

Chap. 323.

AN ACT making appropriations for certain expenses of government, and supplying deficiencies in former appropriations.

Passed May 5, 1874; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows;

SECTION 1. The Treasurer shall pay on the warrant of the Comptroller, from the several sums specified, to the persons indicated in this act, the amounts named, or such parts of those amounts as shall be sufficient to accomplish in full the purposes designated by the appropriations; but no warrant shall be issued, except in cases of salaries, until the amounts claimed shall have been audited and allowed by the Comptroller, who is hereby authorized to determine the same. The persons demanding payment shall present to him a detailed statement in items, verified by affidavit, and if such account shall be for services, it must show when, where and under what authority they were rendered; if for expenditures, when, where and under what authority they were made; if for articles furnished, when and where they were furnished, to whom they were delivered, and under what authority; and if the demand shall be for traveling expenses, the account must also specify the distance traveled, the places of starting and destination, the duty or business, and the date and items of expenditures. On all accounts for transportation, furniture, blank and other books furnished for the use of office, binding, blanks, printing, stationery and postage, a bill duly certified must also be furnished; but whenever an appropriation shall have been made for the same purpose, or the amount shall have been provided otherwise, the sum herein directed to be paid shall not be considered as an addition to such appropriation, unless it shall be expressly so declared in this act. For the purpose of a full and perfect examination into the items of any bill herein allowed, the Comptroller is further authorized to examine under oath to be administered by him, any person applying for any appropriation herein named.

§ 2. The following amounts are hereby appropriated for the several objects specified, namely:

Payments by treasurer.

Comptroller to audit certain claims.

Vouchers to be presented.

Certified bills to be furnished.

Appropriations.

FROM THE GENERAL FUND.

For the clergymen officiating as chaplain of the Assembly during the session of eighteen hundred and seventy-four, for compensation, to be paid to the clerk of the Assembly, for distribution by him to those clergymen, at the rate of three dollars for every day of attendance, the sum of three hundred dollars.

For chaplains of the assembly.

For the Reverend E. Halley, for services as chaplain of the Senate, for the session of eighteen hundred and seventy-four, as compensation, at the rate of three dollars per day for every day of attendance at such session, the sum of three hundred dollars.

For chaplain of the senate.

For the clerk of the Assembly, for revising, mailing, and sending to the members of the Assembly previous to the organization of the next house, the clerk's manual, the sum of two hundred and fifty dollars.

For clerk of the assembly.

For the clerk of the Senate, four hundred dollars, and for the clerk of the Assembly, seven hundred and fifty dollars, for compensation for extra clerical services and engrossing.

Clerks of the senate and assembly.

Indexes to journals, &c., to be made by the clerks.

Compensation therefor.

Employees of the senate and assembly.

Clerks of committees on engrossed bills.

Superintendent of wrapping department of the assembly.

Cartage.

Employees of the legislature for services after adjournment.

Employees of the legislature of 1873.

C. J. McKay.

For the clerk of the Senate, five hundred dollars, and for the clerk of the Assembly, seven hundred and fifty dollars, for indexing the journals, bills and documents of the Senate and Assembly; and section one of chapter two hundred and fifty-four of the laws of eighteen hundred and forty-seven, is hereby so amended that hereafter the indexes to the journals and documents of the two houses of the Legislature, shall be made by the clerks of the respective houses instead of by the Secretary of State, as is provided in said section, together with the indexing of the bills of the two houses, and the compensation for such services is hereby fixed for each year as follows: to the clerk of the Senate, five hundred dollars, and to the clerk of the Assembly, seven hundred and fifty dollars.

For the employees of the Senate and Assembly, whether appointed or elected, to each of them, the same per diem compensation respectively for each day of the session in excess of one hundred days, as their respective salaries or per diem allowance, as established by law, would give per day for a session of one hundred days; and the salaries of the clerks acting as clerks of the committees on engrossed bills of the Senate and Assembly are hereby fixed at the following sums, namely: that of the clerk in the Senate, at nine hundred dollars, and that of the clerk in the Assembly, twelve hundred dollars, to date from the commencement of this session.

The salary of the superintendent of the wrapping department of the Assembly is hereby fixed at five dollars per day from the beginning of the session; and the sum of three hundred and twenty-five dollars, or so much thereof as may be necessary, is hereby appropriated to pay Clinton L. Baxter deficiency of such salary.

For the payment of the expense of cartage of Senate and Assembly documents to the post-office of Albany, during the session of eighteen hundred and seventy-four, the sum of one hundred dollars, to be paid to the parties who rendered the services in such proportions and so much thereof as the Comptroller shall determine to be just and proper.

For services of the employees of the Legislature of eighteen hundred and seventy-three, performed after the adjournment thereof, under resolutions of the Assembly, as follows: for Lewis H. Clark, as librarian of the Assembly, the sum of eighty-four dollars; for the legal representatives of Ezatus S. Jones, deceased, as messenger of the librarian of the Assembly, the sum of forty-two dollars; for D. M. Prescott, as postmaster of the Assembly, the sum of eighty-four dollars; for Robert S. Kelsey, as assistant postmaster of the Assembly, the sum of eighty-four dollars.

For services of the employees of the Legislature of eighteen hundred and seventy-three, performed after the commencement of the session of eighteen hundred and seventy-four, pursuant to resolution of the Assembly, as follows: for D. M. Prescott, as postmaster of the Assembly, the sum of fourteen dollars; for Robert S. Kelsey, as assistant postmaster of the Assembly, the sum of eighty-four dollars; for George Mingay, as assistant librarian of the Assembly, the sum of forty-two dollars; for A. J. McMaught, as deputy clerk of the Assembly, the sum of one hundred and sixty-eight dollars; and for J. B. Haskell and H. S. McCollum, as deputy clerks of the Assembly, the sum of ninety-eight dollars each.

For C. G. McKay, messenger to the Committee on Privileges and Elections of the Assembly, for railroad fare to and from New York, of the person employed by him to act in his place when unable to attend upon the sittings of said committee, forty-six dollars and forty

cents; and for L. Devendorf, as an assistant doorkeeper of the Assembly, of eighteen hundred and seventy-three, for fourteen days' service, from the opening of the present session, seventy dollars; and for Thomas Riley, for thirty-nine days' service, as messenger in the post-office of the Assembly, at the beginning of the present session of the Legislature, in pursuance of a resolution of the Assembly, one hundred and seventeen dollars.

For Lewis H. Clark, as librarian of the Assembly, for fourteen days after the commencement of the present session, the sum of eighty-four dollars.

For Isaac Lockwood, who has acted as doorkeeper in the place of William Wood, resigned, during last half of session, same pay as other doorkeepers.

For Robert S. Kelsey, for services as superintendent of express matter, and of the mailing department, from January nineteenth to February tenth, inclusive, of the session of eighteen hundred and seventy-four, pursuant to resolution of the Assembly, passed January nineteenth, eighteen hundred and seventy-four, the sum of one hundred and fifteen dollars.

For Charles L. Keyes, for services as messenger to the clerk of the Assembly, from the commencement of the session of eighteen hundred and seventy-four, to February eleventh, being thirty-six days, the sum of one hundred and eight dollars.

For Edmund J. Dayton, for compensation for services as general messenger of the Assembly during the last half of the session of eighteen hundred and seventy-four, to be certified by the Speaker and clerk of the Assembly, three dollars per day.

For such acting Assembly general messengers, pages, assistant doorkeepers, messenger to the clerk of the Assembly, and mail carrier, in such sums to each, as the Speaker of the Assembly shall certify, and apportion out of the sum hereby appropriated, not exceeding the regular per diem compensation for such employees, the sum of two thousand five hundred dollars; and to the heirs of William N. Lombard, late night watchman of the Capitol, the same sum of money that he would have received had he lived to the close of the present session of the Legislature; for James O'Neil, messenger to the committee on internal affairs of the Senate, one hundred and fifty dollars, and for extra clerical service to the Assembly sub-committee of the whole, to be certified by the Speaker, the sum of six hundred dollars, and hereafter the assistant doorkeepers, messengers and pages for the Senate and Assembly, shall be appointed for, and serve the entire session unless removed by the Lieutenant-Governor or Speaker, for cause.

For James I. Hart, for preparing a statistical list of the members and officers of Senate with boarding places, and for disbursements, the sum of one hundred and fifty dollars.

For E. E. Brown, librarian of the Assembly, for preparing a statistical list of the officers and members of the Assembly with their boarding places, the sum of fifty dollars.

For Joseph McMahon, for services as messenger in eighteen hundred and seventy-two, the sum of two hundred dollars, omitted from the supply bill of eighteen hundred and seventy-three, by the clerk, the same to be paid to Mrs. McMahon, of Albany, his mother, and her receipt shall be a sufficient voucher therefor.

For James P. Monahan, for services as messenger at the extra session of the Senate in the year eighteen hundred and seventy-two, the sum of one hundred and eight dollars.

- Wm. P. Jones. For William P. Jones, for engrossing resolutions and testimonials of the Senate, one hundred dollars.
- Peter Lawrence and Henry Plato. For Peter Lawrence and Henry Plato, for services in charge of the closets in the Capitol, under the appointment of the keeper of the Capitol, the sum of one hundred and fifty dollars each.
- George C. Storrs. For George C. Storrs, for sixteen days' services as messenger to the committee on local and special laws, from the commencement of the session of eighteen hundred and seventy-four, to the twenty-second day of January, the sum of forty-eight dollars; and for John Q. Allen, for sixteen days' services as clerk to the same committee for the same period of time, the sum of eighty dollars.
- John Q. Allen.
- John Palmer. For John Palmer, for materials furnished and labor performed in painting and glazing in the Assembly chamber and at the State Geological hall, in eighteen hundred and seventy-three, the sum of four hundred and thirty-two dollars and forty-three cents.
- Robert K. Oliver. For Robert K. Oliver, for carpenter work done and materials furnished from March twenty-eight, eighteen hundred and seventy-three, to March fifth, eighteen hundred and seventy-four, at the Capitol building, the sum of two thousand five hundred and twenty-five dollars and ninety-two cents.
- Tucker & Crawford. For Tucker and Crawford, for gas fixtures for the Senate chamber, sixteen dollars and sixty-three cents.
- C. A. Stevens. For C. A. Stevens, in full, for use of rooms at number one hundred and twenty-eight State street, Albany, as committee-rooms, during the year eighteen hundred and seventy-three, and after the first day of May of said year, the sum of fifty dollars, and for the use of the same for like purpose during the entire session of eighteen hundred and seventy-four, the sum of five hundred dollars.
- James I. Hendryx. For James I. Hendryx, in full for his services and allowances as librarian of the Assembly of eighteen hundred and seventy-two, for fourteen days' service after the close of the session, and fourteen days' service as such librarian at the opening of the session of eighteen hundred and seventy-three, the sum of one hundred and four dollars and fifty cents, provision having been made by chapter seven hundred and sixty of the laws of eighteen hundred and seventy-three for him, for only forty-three dollars and fifty cents.
- Nathaniel P. Hallenbeck. For Nathaniel P. Hallenbeck, for thirty-one days' services as general messenger of the Assembly of eighteen hundred and seventy-two, to be paid to his mother, Catharine Hallenbeck, the sum of ninety-three dollars, on production to the Comptroller of evidence of due appointment and service.
- L. G. Sweet. For L. G. Sweet for ten days' service as clerk of the sub-committee of the judiciary committee of the Assembly of eighteen hundred and seventy-three, the sum of fifty dollars.
- Counsel & stenographers. The accounts of counsel and stenographers employed on the part of the State by the committees of investigation of the Senate and Assembly during the present session of the Legislature shall be audited by the Comptroller and paid by him out of any funds appropriated for the payment of legislative expenses.
- Clerk and stenographer. For the clerk and short-hand reporter appointed by the sub-committee of the ways and means committee of the Assembly, to take the testimony upon the investigation of the New Capitol commission under resolution of the Assembly, and making a copy thereof, twelve hundred dollars.
- William E. Warren. For William E. Warren, for services rendered and expenses incurred in examining the accounts of the Treasurer, at the request of the Gov-

error, and in making reports thereon during the months of October and November, eighteen hundred and seventy-three, the sum of seven hundred and twenty-two dollars and seventy-eight cents.

For E. Delavan Hills, for compensation for his services in assisting in the investigation of the accounts of the Treasurer, in addition to his ordinary duties, the sum of one hundred and fifty dollars. E. Delavan Hills.

For the proprietor of Congress Hall, for warming, lighting and taking charge of rooms for the committee on ways and means, and for two committees of the Senate and of the Speaker's room, for the session of eighteen hundred and seventy-four, the sum of four hundred dollars. Proprietor of Congress Hall.

For Charles H. Peck, for his field expenses as State botanist in the year eighteen hundred and seventy-two, the sum of one hundred and thirty-seven dollars and eighty-five cents; and for like expenses from January fourth to September twenty-ninth, eighteen hundred and seventy-three, the sum of ninety-two dollars and fifty cents. Charles H. Peck.

For William Barnes, late Superintendent of the Insurance Department, in full for services rendered and to be rendered in superintending, printing, revising and publishing of the New York State Insurance Department valuation tables for life insurance, and for writing an introduction to said work, the sum of one thousand dollars, to be paid from the proceeds of the sales of such tables. William Barnes.

For the State reporter in full, for deficiency in allowance for clerical assistance for the fiscal year ending September thirtieth, eighteen hundred and seventy-two, the sum of one thousand dollars. State reporter.

For the office of the Attorney-General, for furniture, blank and other books necessary for the use of the office, blanks, printing and other necessary expenses, the sum of eight hundred dollars. Attorney-General's office.

For the office of the State Engineer and Surveyor, for furniture, blank and other books necessary for the use of the office, binding, blanks, printing and other necessary expenses, the sum of two hundred dollars. Office of State Engineer.

For printing for the Legislature, including wrapping, binding and engraving; also for the publication of the official canvass, the publication of concurrent resolutions, and other official notices, for printing and binding the session laws, the sum of twenty thousand dollars. Printing, &c.
Session laws.

For the Land Office, for compensation and mileage of the Lieutenant-Governor and the Speaker of the Assembly, for their attendance at the meetings of the Commissioners of the Land Office, and for assessments and other expenses of public lands, the sum of one thousand dollars. Land office.

For the Capitol, for expenses for repairs, cleaning, labor, gas and other necessary expenses, the sum of ten thousand dollars. Capitol.

For the payment of bounties, in pursuance of section thirty-nine, chapter seven hundred and twenty-one of the laws of eighteen hundred and seventy-one, the sum of five hundred dollars, or so much thereof as may be necessary. Bounties.

For furniture and fixtures for the Governor's house, four hundred and fifty dollars, or so much thereof as may be necessary, that being the sum paid into the treasury from a sale of furniture taken from the residence, in Congress Hall, of the late Governor. Governor's house, furniture, &c.

For the Hall of the State cabinet of natural history and the agricultural museum, for repairs, cleaning, labor, gas, fuel, compensation of keeper and other necessary expenses, the sum of one thousand dollars, and the building shall hereafter be under the supervision and control of the Commissioners of the Land Office, and the bills therefor audited by the Comptroller. Hall of the State Cabinet of Natural History, &c.

For the State hall, for expenses for repairs, cleaning, labor, gas and State Hall.

other necessary expenses, including balance of superintendent's compensation, the sum of one thousand five hundred dollars.

State Library.

For the State Library, for repairs, cleaning, gas, transportation of books and other necessary expenses, the sum of one thousand dollars.

Treasurer's office.

For the Treasurer's office for repairs, furniture, moving safe and books, the sum of one thousand two hundred dollars.

Compensation of sheriffs.

For the compensation of sheriffs for the transportation of convicts to the State prisons, asylum for insane convicts, houses of refuge and penitentiaries, the sum of one thousand dollars, or so much thereof as may be necessary.

Criers, &c., of Court of Appeals.

For criers and attendants of the Court of Appeals and the Commission of Appeals, as provided by law, the sum of two thousand four hundred dollars, and the salary of the clerk of the Court of Appeals shall hereafter be paid monthly.

Purchase of coin.

For the purchase of coin for the payment of the interest on the general fund debt, including the Indian annuities, the sum of eight thousand five hundred dollars.

Clerks in executive department.

For deficiency in the appropriation for clerks in the Executive Department, the sum of two thousand dollars.

Attorney-general.

For the Attorney-General, to pay the expenses of carrying on two suits in the United States Court between this State and the State of Connecticut, pursuant to concurrent resolutions of the Legislature of this State, one of which is to determine the boundary line between the two States, and the other to test the constitutionality of certain laws of the State of Connecticut with regard to oyster beds, the sum of one thousand dollars, or so much thereof as may be necessary.

Comptroller.

For the Comptroller, to pay the expense of giving notices to occupants of lands bid in by the State at tax sales, the sum of one thousand dollars, or so much thereof as may be necessary.

Comptroller.

For the Comptroller, for the purchase of a new safe for the office of the Comptroller, the sum of twenty-five hundred dollars, or so much thereof as may be necessary.

Payment of interest by.

The Comptroller is hereby authorized to pay six hundred dollars annually, being interest at six per cent. on ten thousand dollars, due the widow and heirs-at-law of John G. Wasson, upon a certificate issued under chapter eight hundred and thirty of the laws of eighteen hundred and sixty-eight, and he is authorized to pay such interest semi-annually until the principal can be paid.

Deficiency for binding census returns.

For deficiency in appropriations for binding the United States census returns of eighteen hundred and seventy, transmitted to the Secretary of State, three hundred dollars, or so much thereof as may be necessary.

State law library.
Library for the judicial district.

For the State Law Library fifteen hundred dollars.

For the purpose of establishing a judicial district library for the third judicial district, to be located at Kingston, Ulster county, the sum of four thousand five hundred dollars, to be expended in the purchase of books under the direction and supervision of the justice of the Supreme Court residing in said city.

Library of Court of Appeals.
Office of state engineer, for additional clerk.

For the library of the consultation room of the Court of Appeals, the sum of five hundred dollars.

For the office of the State Engineer and Surveyor, for salary of an additional clerk, in his office, to index and prepare for ready reference railroad maps required by law to be placed on file in his office, the sum of sixteen hundred dollars, to be refunded to the treasury by the several railroad corporations of this State, in proportion to their respective

gross receipts, pursuant to chapter five hundred and twenty-six of the laws of eighteen hundred and fifty-five.

For John A. Cooper, late Deputy State Engineer and Surveyor, in full, for work and clerk hire in the preparation of the annual report on railroads, for the year eighteen hundred and seventy-three, the sum of fifteen hundred dollars; and for making a new and revised railroad map of the State to accompany the annual report on railroads, for the year eighteen hundred and seventy-three, the sum of five hundred dollars, to be refunded to the treasury by the several railroad corporations of this State, in proportion to their respective gross receipts, pursuant to chapter five hundred and twenty-six of the laws of eighteen hundred and fifty-five.

For the law libraries of the judicial districts of the State, the sum of one thousand dollars each. Law libraries.

For Mary Doheny, to refund to her the consideration money paid by her for lands purchased by her grantor from the State, the title to which has failed, and in full for her claim upon the State therefor, the sum of two hundred and fifty dollars; provided it shall be made to appear to the Comptroller that the State has not refunded the purchase-money to any person; but no more shall be allowed than the amount of purchase-money received by the State. Mary Doheny.

For W. C. Arnold and Company, of Poughkeepsie, in full, for balance of their account to February sixteenth, eighteen hundred and seventy-four, for lumber delivered by them for the use of the Hudson River State Hospital, the sum of five hundred dollars, the same to be paid out of the appropriation for the Hudson River State Hospital, provided the managers thereof shall, upon examination, certify to the legality and justice of said claim. W. C. Arnold & Co.

For Breslin, Purcell and Company, for bill of board furnished to the committee on grievances of the Assembly of eighteen hundred and seventy-three, the sum of three hundred and eighty-three dollars and seventy-five cents. Breslin, Purcell & Co.

For Van Heusen, Charles and Company, for glass and earthenware furnished by them in eighteen hundred and sixty-seven for the use of the agent and warden of Sing Sing prison, upon the order of the Inspectors of State Prisons, the sum of eighty-two dollars and eighty-eight cents. Van Heusen, Charles & Co.

For Mary Robertson, Amelia Robertson and Elizabeth M. Tunstall, or the survivor or survivors of them, one thousand dollars each, to be paid by the Comptroller whenever satisfactory proof shall be made to him that they are the only lineal descendants of Gabriel Christie, and that the said Gabriel Christie was the proprietor and legal owner of lands at Rouse's Point, ceded by the State of New York to the United States, and for which the State of New York received payment. Mary Robertson, Amelia Robertson and Elizabeth M. Tunstall.

For Andrew W. Morehouse, in full for all claims for injuries received by him while in the discharge of his duties as keeper of Clinton State prison, on the twenty-fourth day of March, eighteen hundred and seventy-three, from a wound inflicted by a convict of that prison, occasioning damage to his sight, hearing and mind, the sum of one thousand dollars. Andrew W. Morehouse.

For Mrs. Eliza Mink, widow of William H. Mink, who was killed while in the discharge of his duty as a laborer on the new capitol, by the fall of a scaffold, on the twenty-sixth day of June, eighteen hundred and seventy-three, the sum of one thousand dollars. Mrs. Eliza Mink.

For Milton R. Austin, to compensate him for injuries sustained by him while employed in the construction of the asylum for insane convicts, at Auburn, the sum of one thousand dollars. Milton R. Austin.

Jeremiah
Hummell.

For Jeremiah Hummell, for injuries sustained by him, as a keeper in Sing Sing prison, from a fall of one of the prison corridors in the spring of eighteen hundred and seventy-three, for his consequent loss of health and his expenses for medical treatment necessarily incurred therefrom, the sum of fifteen hundred dollars.

Abram S.
Aldrich.

For Abram S. Aldrich, for injuries received by him on the twenty-second day of September, eighteen hundred and seventy, while in the discharge of his duty as a soldier of the national guard, occasioned by the premature discharge of a cannon, and for his expenses necessarily incurred thereupon, the sum of two thousand dollars; provided, however, that the Comptroller shall, upon investigation, ascertain that the injuries were received while he was in the discharge of his duty as such member of the nation* guard.

State com-
missioner
in lunacy.

For the compensation of the State commissioner in lunacy, from June sixth, eighteen hundred and seventy-three, to the close of the current fiscal year, in pursuance of chapter five hundred and seventy-one of the laws of eighteen hundred and seventy-three, the sum of five thousand two hundred and seventy-seven dollars and seventy-five cents and for traveling and other incidental expenses during the same period, the sum of one thousand three hundred dollars, or so much thereof as may be necessary.

James
Hutton.

For James Hutton, to pay balance of his claim as surviving member of the first regiment of New York volunteers, who served in the war with Mexico, presented since the apportionment of the appropriations, under chapter seven hundred and eighty of the laws of eighteen hundred and seventy, and chapter seven hundred and twenty-five of the laws of eighteen hundred and seventy-one, the sum of forty-seven dollars and forty cents.

Adolph
Kielgast.

For Adolph Kielgast, for services as private in Company "C," First regiment New York volunteers, in the war with Mexico, pursuant to chapter five hundred and eight of the laws of eighteen hundred and fifty-one, and chapter seven hundred and eighty of the laws of eighteen hundred and seventy, the sum of two hundred and eighty-three dollars and fifty cents.

Commis-
sioners for
improve-
ment of
St. Regis
river.

For Daniel Shaw, George Plumb and Orson Richards, commissioners for the improvement of the St. Regis river, under chapter eight hundred and fifty-five of the laws of eighteen hundred and seventy-one, for interest paid and moneys advanced under the provisions of said act, the sum of three hundred and six dollars.

Henry
Smith, ser-
vices as
counsel.

For Henry Smith, for services as counsel, at the request of the late Attorney-General, upon the requisition of a justice of the Supreme Court, in each case, in preparing for and attending courts of oyer and terminer, and aiding district attorneys in the following cases: In the trial of one Payne, indicted for murder, when the prisoner plead guilty of manslaughter in the third degree, and was sentenced to State prison for four years, the sum of two hundred dollars; in the trial of Merritt Wheeler, indicted for the murder of Lottie Sterling, and who, after the trial commenced, plead guilty of manslaughter in the second degree, and was sentenced to State prison for six years and ten months, the sum of two hundred dollars; in the trial of Charles Egler, at Auburn, indicted for the murder of Ettie Conklin, and who was convicted and sentenced to be executed, the sum of four hundred dollars; in the trial of Patrick Donahoe, indicted for the murder of one Moore, and who was convicted and sentenced to be executed, the sum of four hundred

dollars; and in the trial of Albert E. Perry, at Auburn, indicted for the murder of the jailer, Fields, and who was convicted of manslaughter in the first degree, and sentenced to State prison for life, the sum of four hundred dollars; and for his services as counsel, at the request of the Comptroller, in resisting the motion for a mandamus in the Supreme Court, against the Comptroller, involving the question of the extent of allowance for compensation of members of the Legislature beyond one hundred days, in cases of proceedings for impeachment, the sum of two hundred dollars.

For David J. Mitchell, for services as counsel, at the request and on the assignment of the Attorney-General, to assist the district attorney of Madison county, on the trial of William A. Stone, indicted and convicted of arson in the first degree, and sentenced to State prison for life, five hundred dollars; and for like services at the request and on the assignment of the Attorney-General, to assist the district attorney of Madison county, in the trial of Melvin D. Woodford, indicted and convicted of arson in the first degree, and sentenced to State prison for life, five hundred dollars.

David J. Mitchell, services as counsel.

The district attorney of any county in which an important criminal action is to be tried, with the approval, in writing, of the county judge of the county, which shall be filed in the county clerk's office, may employ counsel to assist him in such trial, and the cost and expense thereof, and also the cost and expense of any counsel assigned, designated or appointed by the Governor or Attorney-General, at the request of the district attorney, to assist him on the trial of any such action, shall be certified by the judge presiding on such trial, and shall be a charge upon the county in which the indictment in the action is found, and shall be assessed, levied and collected by the board of supervisors of such county at its next annual assessment, levy and collection of county taxes after such services shall have been performed, and thereupon be paid over to the party entitled to the same; and no appointment or designation of counsel to assist in the trial of such cases shall hereafter be made by the Governor or Attorney-General except as herein provided, and the State shall in no case hereafter be liable for any such services.

District attorney may employ counsel.

Cost of counsel assigned by the governor, a county charge, &c.

For Henry R. Mygatt, in full for his services as counsel and his disbursements, pursuant to resolution of the Commissioners of the Land Office, adopted August fifth, eighteen hundred and seventy, in resisting mandamus sued out by the trustees of the New York State Inebriate Asylum against William R. Osburn, treasurer, the sum of five hundred and twenty-two dollars and thirty-six cents.

Henry R. Mygatt.

For the attorney in fact of the next of kin of Patrick Moran, deceased, late of Oyster Bay, pursuant to an order of the Supreme Court, made at a special term thereof, held in the city of New York, December twenty-third, eighteen hundred and seventy-three, in the matter of the distribution of the estate of the said Patrick Moran, deceased, the sum of three hundred and three dollars and twenty-four cents, payable out of any moneys deposited with the Treasurer of this State belonging to, or for the use of, said estate, and upon the production of proper authority from the said next of kin; and also the further sum of twenty-five dollars, being the allowance made to Robert P. Harlow, in and by said order for his legal services in behalf of the State in the matter of such distribution, and which allowance has been advanced to him by said attorney in fact.

Attorney of the next of kin of Patrick Moran, deceased.

For Simon Sutton, attorney of August Jergens and Charles Schaff, children of Louisa Myers, deceased, one hundred and fourteen dollars

Simon Sutton.

and seventy-one cents, which was paid into the treasury of the State, April third, eighteen hundred and sixty-six, by the treasurer of Queens county, as administrator of the estate of said Louisa Myers, the Supreme Court, on notice to the Attorney-General pursuant to statute, having ordered the amount to be paid as herein provided.

Charles C. Knight. For Charles C. Knight, for services as counsel in prosecuting the charges preferred against William C. Randall, sheriff of Clinton county, before the Governor, and at the request of the district attorney of Clinton county, in April, eighteen hundred and seventy-three, the sum of one hundred and fifty dollars.

G. M. Beckwith. For G. M. Beckwith, county judge of Clinton county, in full for the balance of his account for services in the investigation, upon the reference of the same to him by the Governor, of the charges preferred against William C. Randall as sheriff of that county, the sum of three hundred and eight dollars.

William C. Randall. For William C. Randall, sheriff of Clinton county, in full for disbursements incurred by him on account of charges preferred against him to the Governor, by whom after investigation of the same they were dismissed, the sum of one thousand dollars.

In proceedings for removal of county officers, costs to be county charge. Hereafter in all proceedings before the Governor for the removal of any county officer upon charges preferred against him, all the costs and expenses thereof, including those of taking and printing the testimony therein, shall be a county charge upon such county, and shall be audited and allowed by the board of supervisors of such county and be included in their next annual assessment roll made thereafter, and shall be assessed, levied and collected as other county charges, and paid over to the party or parties entitled thereto by the county treasurer thereof.

George Scherman. For George Scherman, for compensation of counsel employed by him in the matter of the contested election for Members of Assembly for the eighth district of the city and county of New York, the sum of seven hundred and fifty dollars, and for his expenses incurred therein in examining poll-lists and registry, taking notes of evidence and printing, the sum of five hundred and twelve dollars.

Martin Nachtman. For Martin Nachtman, in full, for compensation of counsel employed by him in the matter of the contested election for Member of Assembly for the eighth district of the city and county of New York, and for his expenses incurred therein, the sum of two thousand dollars.

Charles Simon. For Charles Simon, for compensation of counsel employed by him in the case of the contested election for Member of Assembly for the third district of the county of Onondaga, the sum of five hundred dollars, and for his expenses incurred therein the sum of two hundred and fifty dollars.

Frank Abbott. For Frank Abbott, in full, for compensation of counsel employed by him in the matter of the contested election for Senator for the tenth senatorial district of this State, and for his expenses incurred therein, the sum of one thousand seven hundred and fifty dollars.

E. M. Madden. For E. M. Madden, in full, for compensation of counsel employed by him in the matter of the contested election for Senator for the tenth senatorial district of this State, and for his expenses incurred therein the sum of two thousand dollars.

Hugh H. Moore & William C. Pinkney. For Hugh H. Moore and William C. Pinkney, to each of them, on account of their expenses incurred in the matter of the contested election for Senator of the eighth senatorial district, the sum of fifteen hundred dollars.

For Josiah T. Miller, for services as counsel in the defense of Canal Commissioner W. W. Wright, indicted for malfeasance in office in Seneca county, in eighteen hundred and seventy-two, the sum of three hundred dollars.

Josiah T. Miller.

For Edward W. Williams, for interest on a draft for final estimate of work on section eleven of the Erie canal, from the time it was payable to the time it was paid, pursuant to the order of the court in the proceedings for mandamus, the sum of four hundred and ninety-six dollars and eighty-three cents, to be paid out of any moneys remaining unexpended in the treasury, which were appropriated for the payment of the work under the contract for which the draft was given.

Edward W. Williams.

For Francis C. Barlow, for compensation in full for his services as counsel to the Assembly committee on cities, in the investigation of the street cleaning department of the city of New York, the sum of eight hundred dollars, and one hundred and thirty-nine dollars for the services of clerk and accountant.

Francis C. Barlow.

For professional services in an examination of the Hudson River State Hospital at Poughkeepsie, and of the State Reformatory at Elmira, and an investigation of the accounts of managers as per order of John A. Dix, Governor, pursuant to resolution of the Senate, seven hundred and thirty-two dollars and ninety-one cents.

For the Shore Inspector, appointed in pursuance of chapter seven hundred and fifty-six of the laws of eighteen hundred and seventy-one for salary due from the first of November, eighteen hundred and seventy-two, to the fifth day of May, eighteen hundred and seventy-four, two thousand two hundred and seventy-five dollars, or so much thereof as may be necessary, and the said office of shore inspector is hereby abolished.

Shore Inspector.

For F. B. Carpenter, of New York city, the sum of three thousand dollars for a full-length portrait of Abraham Lincoln, pursuant to concurrent resolution of the Legislature of eighteen hundred and seventy-three, to be paid whenever such portrait shall be accepted by the Lieutenant-Governor and the Speaker of the Assembly.

F. B. Carpenter.

For building a bridge over the Onondaga creek on the Onondaga Indian Reservation, on what is known as the William Hill road, and grading and graveling the approaches thereto, the sum of two thousand dollars, to be expended under the supervision of William W. Newman, James P. Budlong, and George Anderson, of the town and county of Onondaga, who are hereby appointed commissioners for that purpose, who shall each receive out of said sum two dollars per day for each full day occupied by them in and about the building of such bridge; but the total compensation of such commissioners shall not exceed the sum of one hundred dollars, and no part of the sum herein appropriated shall be paid over to said commissioners until they shall have executed a bond, to the People of the State of New York, to be approved by the Comptroller, conditioned that they will faithfully discharge their duties as such commissioners, and truly account, under oath, to the Comptroller, for all moneys received by them for the purpose aforesaid; but no part of said sum shall be expended except upon a plan and estimate of said work, which will complete it within the sum above appropriated.

For building bridge over Onondaga creek.

Commissioners therefor and their compensation.

Bond to be given by them.

For the commissioners of highways of the town of Onondaga, in the county of Onondaga, to pay the expenses of repairing the State bridge on the Indian Reservation, which had been swept away by a freshet in July, eighteen hundred and seventy-three, the sum of one hundred and thirty-five dollars.

Commissioners of highways of town of Onondaga.

F. D. Huntington.

For reimbursing F. D. Huntington, for moneys expended by him in erecting a school-house on the Onondaga Indian Reservation, for the use of the Onondaga Indians, the sum of five hundred dollars, being a reappropriation of the amount made by chapter seven hundred and thirty-three of the laws of eighteen hundred and seventy-two.

Henry H. Hawkins.

For Henry H. Hawkins, attorney for the Cayuga Indians, as compensation for distributing the annuity from the State to said Indians, the sum of twenty-five dollars.

Company B, 54th regiment, National Guard.

For company "B," fifty-fourth regiment, National Guard, in full, for compensation for services in protecting State property during the strike on the Erie canal, at the Ox Bow break, in May, eighteen hundred and seventy-one, upon the requisition of the sheriff of Monroe county, and for uniforms belonging to said company, destroyed in such service, the sum of one thousand dollars.

Adjutant general.

For the Adjutant-General, to purchase fifty uniforms, to replace those belonging to Company "B," twenty-seventh regiment, National Guard, destroyed by fire in its armory at Mount Vernon, the sum of one thousand dollars.

Arsenals and armories.

For the repairs of arsenals and armories belonging to the State, the sum of five thousand dollars, or so much thereof as may be necessary.

At Oswego.

For the State armory at Oswego, for the completion of the same, the sum of four thousand dollars.

Utica.

For the State armory at Utica, for completing addition thereto, the sum of five thousand eight hundred and ninety-eight dollars.

At Syracuse and Auburn.

For the State armory at Syracuse, for the completion of the drill room thereof, the sum of four thousand five hundred dollars; and for the State armory at Auburn, for the completion thereof, the sum of five thousand dollars; all vouchers for expenditures under this appropriation shall be subject to the approval of the Comptroller.

Repairing rifle range, &c.

For repairing the embankment at the rifle range at Creedmore, and for the erection of a building at that place for the storage and safe-keeping of property belonging to the State, the sum of seven thousand five hundred dollars, or so much thereof as may be necessary.

Adjutant-general.

For the Adjutant-General for the purchase of ninety-six uniforms, to replace that number destroyed by fire at the armory of the twelfth regiment, National Guard, on Broadway, in the city of New York, the sum of eleven hundred and eighty-five dollars and sixty cents.

Franklin county.

For the county of Franklin, the sum of four hundred and forty-one dollars and seven cents, that being the amount claimed to be due said county, pursuant to chapter seven hundred and four of the laws of eighteen hundred and seventy, but which it is claimed has not been drawn, which sum is hereby reappropriated and shall be paid into the treasury of said county upon the receipt thereof by the treasurer of said county, if upon investigation the Comptroller shall ascertain that the same has not been drawn.

Schuyler county.

For the county of Schuyler, the sum of nine hundred and forty dollars and twenty-four cents, that being the amount claimed to be due said county, pursuant to chapter eight hundred and fifty-seven of the laws of eighteen hundred and sixty-nine, chapter seven hundred and four of the laws of eighteen hundred and seventy, and chapter eight hundred and sixty-nine of the laws of eighteen hundred and seventy-one, but which it is claimed has not been drawn, which sum is hereby reappropriated and shall be paid into the treasury of said county upon the receipt thereof by the treasurer of said county, if upon investigation the Comptroller shall ascertain that the same has not been drawn.

For Harry Edwards, for reporting proceedings in the Barnard impeachment trial, in the absence of the official stenographer of the Senate, until the appointment of the present official stenographer, forty-one dollars. Harry Edwards.

For the State board of Charities, to be expended as the said board may deem proper, under the joint resolution of the Senate and Assembly of eighteen hundred and seventy-three, in regard to the causes of the increase of crime, pauperism and insanity, the sum of three thousand dollars, including any expenses which have been already incurred. State Board of Charities.

For Allan Pinkerton, in full, for services and disbursements, under the direction of the Governor, in the investigation of the alleged murder of Charles G. Kelsey, at Huntington, Long Island, the sum of one thousand two hundred dollars, or so much thereof as the Governor shall certify to be just and reasonable. Allan Pinkerton.

For Warburton, Bonyng and Underhill, stenographers, in full, for reporting and transcribing their notes of evidence in the investigation of the charges preferred against Winchester Britton, late district attorney of Kings county, upon the order of the late Attorney-General, the sum of five hundred and twenty-five dollars and twenty cents. Warburton, Bonyng and Underhill, stenographers.

For Charles P. Young, stenographer, in full for his claim, for reporting and transcribing the proceedings and testimony taken before the Assembly committee on grievances of eighteen hundred and seventy-three, in the matter of the petition of Stephen English, and for furnishing a second copy of a portion of the same, and for his traveling expenses, the sum of eight hundred and twenty-one dollars and seventy cents. Charles P. Young.

For the Onondaga Indians, residing at their reservation in Onondaga county, to be distributed among them to such parties as are entitled thereto, to make the value of the currency money in which their annuities, under the treaty of seventeen hundred and eighty-eight, were paid to them from the year eighteen hundred and sixty-two to the year eighteen hundred and sixty-seven, both inclusive, equal to the value of silver money at the several periods of payment, pursuant to the terms of the treaty, the sum of eight hundred and eighty-five dollars. Onondaga Indians.

For salary of William C. Watson, district attorney of Genesee county, as attorney for the Tonawanda band of Seneca Indians, four hundred and fifty dollars (one hundred and fifty dollars of which sum is unappropriated salary for the last year), in pursuance of chapter eight hundred and thirty-nine of the laws of eighteen hundred and sixty-seven; but hereafter the annual salary of such attorney of the Tonawanda band of Seneca Indians shall be one hundred and fifty dollars. William C. Watson.

For the delegation of the Oneida Indians, to pay their expenses while attending the present session of the Legislature to present their claims against the State, the sum of five hundred dollars, to be paid to J. L. W. Dextater. Delegation of Oneida Indians.

For such trustee of the Tonawanda Reservation Manual Labor School as under and pursuant to section six of chapter ninety of the laws of eighteen hundred and seventy, was appointed to superintend the construction of the buildings contemplated by that act, and who shall serve as such superintendent, the sum of three hundred dollars, or so much thereof as the Comptroller shall ascertain to be just and unpaid. Trustee of Tonawanda labor school.

For the expenses of the commission, appointed under the concurrent resolution of the Legislature of eighteen hundred and seventy-four, to examine and report the facts in relation to the claim of the Oneida Indians for lands and leases under the several treaties with said Indians, the sum of five hundred dollars, or so much thereof as may be necessary. Commission to examine claim of Oneida Indians.

For removing bar, &c., in Cayuga inlet. For removing the bars and dredging the channel of Cayuga inlet, to be under the direction of the Canal Commissioner in charge of the middle division of the State canals, the sum of fifteen thousand dollars, or so much thereof as may be necessary, which work shall be let by contract to the lowest bidder, as now required by law, for the advertising and letting of public works.

Reappropriation. The amount remaining in the treasury unexpended of the appropriation made by chapter four hundred and ninety-two of the laws of eighteen hundred and seventy, for the removal of obstructions from Chautauqua lake and outlet, is hereby reappropriated, to be expended as provided in said chapter.

Commissioners of fisheries. For the commissioners of fisheries, to be expended as they may deem proper, upon vouchers to be approved by the Comptroller, for the purpose of replenishing the lakes and rivers of this State with fish, the sum of ten thousand dollars.

Verplank Colvin. For Verplank Colvin, for services in the Adirondack survey during eighteen* and seventy-two and eighteen hundred and seventy-three, the sum of five thousand dollars; to be in full of all services, to be paid on the first printing of the map of the survey, and he shall personally superintend the drafting and printing of said map, which shall be accepted and approved by the Comptroller and State Engineer and Surveyor, before any part of such payment is made.

Commissioners to confer with New Jersey. For the commissioners appointed to confer with the State of New Jersey, in regard to quarantine jurisdiction and boundary lines, pursuant to section seven, chapter six hundred and thirteen of the laws of eighteen hundred and sixty-five, for compensation and expenses, one thousand dollars each.

Willard Asylum for the Insane. For the Willard Asylum for the Insane, for coal sheds and hoisting apparatus; for additional boiler and brick, and other materials connected therewith; for brick, stone and lime for chimneys, and work thereon; for stone, lumber, nails, spikes, shingles and labor for vegetable cellar; for brick, stone, iron and labor for iron stairs and fire-escapes; for stone and lime for enlarging reservoir; for stone, brick, flooring, ceiling, timber, slate, metal work, conductors, ventilators, washing machines, pulleys, belting, steam, water and gas-pipe and labor for enlarging laundry; for additional steam-pipe for warming wings; for brick, lime, sand and labor for enlarging pump-house, and for fire-brick and clay for setting boiler; for building, on farm, two hundred rods of high fence; for ditching four hundred rods; for painting fences; for fruit trees; for ten additional cows; for one team, wagon and harness; for shed for storing farming tools, and labor; for culverts and bridges; and for the erection of a new group of detached two-story brick buildings for females, the sum of one hundred and forty thousand dollars.

New York State Asylum for Idiots. For the New York State Asylum for Idiots, the sum of fifteen hundred dollars or as much thereof as may be necessary, for the purchase of additional land, for the use of the asylum, lying between the asylum and the public road.

State Lunatic Asylum at Utica. For the State Lunatic Asylum at Utica, to refund advances made from the ordinary current funds for improvements furnishing accommodations for fifteen additional patients, and repairs of the asylum buildings, the sum of sixteen thousand three hundred and fifty-eight dollars and seventeen cents, and to refund the amount advanced for putting in three new boilers, twenty-eight feet long and eight in diameter, for heating the buildings and for transporting and setting

* So in original.

the same, the sum of twelve thousand six hundred and forty-five dollars and seventy-five cents, and for three inclosed verandahs for day rooms for hospital building for women, the sum of three thousand dollars, and for fencing, two thousand dollars.

For the support and instruction of thirty-four pupils at Le Couteulx St. Mary's Institution for the improved instruction of deaf mutes, at Buffalo, pursuant to the provisions of chapter six hundred and seventy of the laws of eighteen hundred and seventy-two, and sections nine and ten of title one of chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, the sum of ten thousand and two hundred dollars, to be paid by the Comptroller, upon the certificate, under oath of the president and secretary of said institution, approved by the Superintendent of Public Instruction, and this sum is in full of all demands upon the State, in behalf of said institution, to the first day of October, eighteen hundred and seventy-four.

Support, &c., of pupils at Le Couteulx St. Mary's Institution for instruction of deaf mutes.

For the New York State Inebriate Asylum, at Binghamton, for salaries and allowances of the officers thereof, from July first, eighteen hundred and seventy-three, to October first, eighteen hundred and seventy-four, pursuant to chapter six hundred and twenty-five of the laws of eighteen hundred and seventy-three, the sum of seven thousand five hundred dollars, and for the actual and necessary traveling and other expenses of the managers thereof, the further sum of seven hundred and fifty dollars, or so much thereof as may be necessary, and for additional boiler, one thousand four hundred dollars; for repairing water-pipes and traps, eight hundred dollars; for setting boiler, three hundred dollars; for completion of sewer, one thousand one hundred dollars; for repairs of laundry and cisterns, nine hundred dollars; for additional stabling, eight hundred dollars; for repairs of buildings, one thousand seven hundred dollars; for completion of room for sick, one thousand two hundred dollars; for increase of water for fire purposes, one thousand eight hundred dollars.

State Inebriate Asylum at Binghamton.

For the State Reformatory, at Elmira, the sum of three hundred thousand dollars, provided the plans of the building be so changed as to render such sum sufficient to complete the center building and the south wing, so as to receive convicts; such changes of plans to be approved of and certified by the Governor and Comptroller. Before any portion of said appropriation is paid, and after said plans have been so approved and certified, they shall not be altered, except upon the approval, in writing, of the said Governor and Comptroller.

State Reformatory at Elmira.

For the Buffalo State Asylum for the Insane, to be expended only for the completion of the buildings already commenced, the sum of one hundred and fifty thousand dollars.

Buffalo State Asylum for Insane.

For the Hudson River State Hospital for the Insane, for the erection of the fourth block thereof, the sum of one hundred and forty thousand dollars, the basement of which is now constructed; and no portion of this appropriation shall be used for any other purpose than as herein stated.

Hudson River State Hospital.

For the State Homœopathic Asylum for the Insane, at Middletown, to finish the new pavilion building now in process of construction as per contract, including plumbing, seventy thousand one hundred and forty-one dollars; for fencing, grading and farm stock, seven thousand five hundred dollars; for building a dead-house and an ice-house, two thousand dollars; for furniture and fixtures for new building, fifteen thousand dollars; for supplies and provisions for maintenance of patients, and for payment of employees other than officers, until returns

State Homœopathic Asylum for the Insane.

for the support of patients are received, two thousand five hundred dollars; for medical stores and medical apparatus, two thousand five hundred dollars; for the purchase of real estate, six thousand five hundred dollars; for salaries of medical superintendent, assistant physician, steward and matron, and other officers, five thousand dollars; and no portion of this appropriation shall be used for any other purpose than as herein stated.

Board to
fix salaries.

And the said board shall from time to time fix the salaries of the superintending physicians, assistant physicians and officers. But the annual salaries of the superintendent, assistant physician, treasurer, steward and matron, shall be approved by the Governor, Secretary of State and Comptroller; provided such salaries shall not exceed in the aggregate eight thousand dollars for any one year.

Thomas
Asylum.

For the Thomas Asylum for Orphan and Destitute Indian Children, for the education and maintenance of one hundred children, at the rate of eighty-five dollars per capita, the sum of eight thousand five hundred dollars.

For enlarging and fitting up the buildings of the Thomas Asylum for the orphan and destitute children, and changing the relative location of said buildings as a protection from fire, two thousand five hundred dollars.

Western
House of
Refuge.

For the Western House of Refuge, for deficiency of appropriation, the sum of nine thousand one hundred and ninety-nine dollars and twenty-nine cents.

Juvenile
Delinquents.

For the managers of the Society for the Reformation of Juvenile Delinquents on Randall's Island, to pay off and discharge existing liabilities against the same, the sum of eighteen thousand dollars.

State In-
stitution
for the
Blind.

For the New York State Institution for the Blind at Batavia, the sum of five thousand dollars, to be expended for repairs, painting, furnishing and in the improvement of the grounds thereof.

Institu-
tion for
Improved
Instruc-
tion of
Deaf
Mutes in
New York
city.

For the Institution for the Improved Instruction of Deaf Mutes, in the city of New York, the sum of thirteen thousand five hundred and sixty-five dollars and eighty-three cents, pursuant to chapter one hundred and eighty of the laws of eighteen hundred and seventy, the same being the amount certified to by the Superintendent of Public Instruction as due to said institution, for the instruction and support of State pupils, in full of all demands upon the State up to September thirty, eighteen hundred and seventy-three, as per sworn statement of the president and secretary thereof. This appropriation is in lieu of an appropriation to the same institution by chapter seven hundred and sixty of the laws of eighteen hundred and seventy-three.

Susque-
hanna
Valley
Home.

For the Susquehanna Valley Home and Industrial School for Indigent Children, the sum of sixteen thousand dollars, to be paid upon the execution of a deed of the property of said corporation to the State, the said sum to be applied in payment and discharge of mortgages on said property.

State Nor-
mal
School at
Oswego.

For the State Normal School at Oswego, for repairs, to be expended under the direction of the local board of such school, subject to the approval of the Superintendent of Public Instruction, which approval shall precede such expenditure, the sum of seventeen hundred dollars.

At Fredo-
nia.

For the Normal School at Fredonia, one thousand dollars, to be used for heating purposes, being a reappropriation of the amount unexpended of the three thousand dollars appropriated for heating purposes in eighteen hundred and seventy-two.

For the Mariners' Family Industrial Society of the port of New York, for separate buildings, and to assist in the maintenance of the inmates thereof, five thousand dollars.

Mariners' Family Industrial Society.

For William Gould and Sons, for books furnished to the office of Attorney-General prior to January third, eighteen hundred and seventy-four, the sum of one hundred and twenty-four dollars and fifty cents.

William Gould & Sons.

For the Argus Company, for binding in cloth seventeen hundred copies of the twenty-fourth annual report of the State Museum of Natural History, the sum of six hundred and eighty dollars; for alterations and additions to the twenty-fourth annual report of the New York State Museum of Natural History, the sum of seventy-eight dollars; for printing and binding in pamphlet form one hundred copies of the report of the State botanist, including lithographic plates, and for miscellaneous work for the State Museum of Natural History, the sum of two hundred and twenty-two dollars and seventy-five cents; and for printing and binding in pamphlet form five hundred copies Classified Index to bills introduced into the Senate during the session of eighteen hundred and seventy, pursuant to resolution of the Senate of January nineteenth, eighteen hundred and seventy-one, the sum of eighty-seven dollars.

Argus Company.

For Weed, Parsons and Company, for one thousand copies of the Constitution as amended by the Constitutional Commission, in comparison with the existing Constitution of the State, pursuant to resolution passed by the Legislature March twenty-fifth, eighteen hundred and seventy-three, the sum of five hundred and twenty dollars; for printing and binding five thousand copies of the game laws of the State for the office of the Secretary of State, pursuant to resolution of the Legislature May sixteenth, eighteen hundred and seventy-three, the sum of five hundred and sixty-four dollars and ninety-three cents; for printing and binding thirteen thousand five hundred school registers for the Department of Public Instruction, the sum of eight thousand one hundred dollars; for printing and binding three thousand copies of the report of the State Engineer and Surveyor on railroads, made in eighteen hundred and seventy-three, including three thousand lithographic title pages for the same, to be refunded to the treasury by the several railroad corporations of this State, in proportion to their respective gross receipts, pursuant to chapter five hundred and twenty-six of the laws of eighteen* and fifty-five, the sum of ten thousand six hundred and thirty-two dollars and fifty-seven cents; for one hundred and sixty-two Legislative manuals of eighteen hundred and seventy-three, pursuant to resolution of Assembly passed January twenty-eighth, eighteen hundred and seventy-four, the sum of one hundred and sixty-two dollars; and for thirty-three copies of the Legislative manual of eighteen hundred and seventy-three, pursuant to resolution of the Senate passed January sixteenth, eighteen hundred and seventy-four, the sum of thirty-three dollars; for five thousand nine hundred copies of railroad maps of the State of New York, two thousand four hundred copies for the office of the State Engineer and Surveyor, and three thousand five hundred copies for the office of the Secretary of State, used in the edition of the railroad reports, for the use of the State Engineer and Surveyor, and of the Legislature, and for the bound documents of eighteen hundred and seventy-three, the sum of twenty-two hundred dollars, to be refunded to the treasury of the State by the several railroad corporations of this

Weed, Parsons & Co., printing, &c.

Game laws.

School registers.

State engineer's report.

Railroad maps.

* So in original.

Seward
memorial.

Insurance
reports.

Proceed-
ings of
court for
trial of im-
peach-
ment.

American
Constitu-
tions.

Albany
Evening
Journal.

Brooklyn
Daily Ar-
gus.

W. C. Lit-
tle & Co.

Banks &
Brothers.

State in proportion to their respective gross receipts, pursuant to chapter five hundred and twenty-six of the laws of eighteen hundred and fifty-five; for printing and binding ten thousand copies of the Seward memorial including the engraving of the portrait of the Hon. William H. Seward, pursuant to the order of the joint committee of the Senate and Assembly of eighteen hundred and seventy-three, appointed in relation to the Seward memorial, the sum of nine thousand five hundred dollars, not to be paid until the books are distributed according to the order of the Legislature; for printing and binding in full cloth fifteen hundred copies of the Fire and Marine insurance report and two thousand copies of the Life and Casualty report of eighteen hundred and seventy-three, bound separately, pursuant to concurrent resolution of the Legislature, passed May twenty-nine, eighteen hundred and seventy-three, the sum of six thousand three hundred dollars; and for printing and binding three thousand copies of the Fire and Marine insurance report and three thousand copies of the Life and Casualty report of eighteen hundred and seventy-three, bound in one volume, pursuant to resolution of the Legislature, passed May twenty-nine, eighteen hundred and seventy-three, the sum of ten thousand eight hundred dollars; the last two sums to be refunded to the treasury by the several insurance companies, associations, persons and agents pursuant to chapter three hundred and sixty-six of the laws of eighteen hundred and fifty-nine; for printing and binding the proceedings of the court for the trial of impeachment, in the trial of Judge George G. Barnard, in three volumes (two thousand copies of each volume), pursuant to resolution passed May twenty-eight, eighteen hundred and seventy-three, and for express charges on the same, the sum of fourteen thousand two hundred and ninety-four dollars and forty cents; for one hundred and twenty-eight sets of Hough's American Constitutions, furnished pursuant to resolution of Assembly, passed April twenty-fifth, eighteen hundred and seventy-three, the sum of nineteen hundred and twenty dollars; for printing for the use of the Commissioners to revise the Statutes of the State of New York, to be paid upon the certificate of said commissioners that the work had been performed, the sum of four thousand dollars; for printing and binding for the State cabinet of natural history, the sum of one thousand ninety-eight dollars and fifty-cents; and for law books and blanks furnished to the office of the Attorney-General in eighteen hundred and sixty-nine, the sum of thirty-four dollars and seventy-five cents.

For the Albany Evening Journal for advertising concurrent resolutions, proposing amendments to the Constitution, by direction of the Secretary of State and the Attorney-General, the sum of three thousand and fifty-six dollars and twenty-five cents.

For the Brooklyn Daily Argus, for publishing the proceedings of the Britton investigation, and furnishing one hundred copies thereof, under the direction of the late Attorney-General, the sum of fifteen hundred dollars.

For W. C. Little and Company, for books furnished to the office of the Attorney-General from April eighteenth to December eighteenth, eighteen hundred and seventy-three, the sum of fifty-two dollars.

For Banks and Brothers, for furnishing a law library for one year for the use of the members of the Commission of Appeals, the sum of one thousand dollars; for expenses incurred in moving the libraries of Judges Hunt and Johnson, the sum of seventy dollars; for seventy-four copies of volume fifty-two, New York Reports, for distribution by the Secretary of State, the sum of one hundred and sixty-six dollars

and fifty cents ; for one hundred and forty-nine copies of volumes five and six of New York State Reports, for distribution by the Secretary of State, the sum of three hundred and thirty-five dollars and twenty-five cents ; for books furnished the office of the Attorney-General, the sum of thirty-five dollars ; for books furnished the library of the Senate in eighteen hundred and seventy-four, the sum of seventy-five dollars ; and for books furnished to the office of the Attorney-General in eighteen hundred and seventy-three, the sum of fourteen dollars.

For the purchase, in pursuance of law, of law books for new towns, one hundred dollars ; and for the purchase of the Reports of the Court of Appeals, for the Court of Appeals, the Commission of Appeals, the Supreme and Superior Courts, four hundred dollars.

For the purchase of law books (such as are furnished by the State to new towns), for the town of Avon, in the county of Livingston, one hundred dollars, and for the town of Friendship, in the county of Allegany, one hundred dollars, to replace those which have been destroyed by fire.

For the Board of Commissioners of Quarantine, for the care and maintenance of the quarantine establishment and defraying the necessary expenses of said board in the discharge of duties imposed upon it by law, the sum of fifty-five thousand dollars, and said commissioners shall also pay therefrom the running expenses of a steamboat for boarding vessels and the expenses of transporting the sick and burying the dead.

Board of
Commis-
sioners of
Quaran-
tine.

For the Health Officer of the port of New York, the sum of four thousand dollars, or so much thereof as may be necessary to pay the services of not exceeding four policemen at quarantine, on the average, during the year eighteen hundred and seventy-four ; such policemen may be appointed and dismissed by him at pleasure ; and they shall perform patrol and police duty under his direction in connection with the quarantine establishment and upon the waters of the bay of New York ; and they shall possess all the powers possessed by policemen in the cities of New York and Brooklyn ; and any person arrested by either of said policemen for violating any law or regulation relating to quarantine, in said port, may be taken by him before any court of criminal jurisdiction, or any magistrate or police justice within the county of Richmond, and thereupon the court, magistrate or police justice before whom such offender shall be brought, shall have jurisdiction to hear, try and punish the offender for the offense committed by him, in the same manner and with the like effect as if the same had been committed within the limits over which such court, magistrate or police justice has jurisdiction to punish for offenses under existing laws ; and for fencing the State property at Seguin Point, and for repairing and keeping in order the burial place of the quarantine dead, the sum of one thousand dollars, or so much thereof as may be necessary ; and for the completion of the boarding station at Clifton, Staten Island, in addition to the appropriation therefor made by chapter seven hundred and sixty of the laws of eighteen hundred and seventy-three, the further sum of fifteen thousand dollars, or so much thereof as may be necessary, to be expended under the direction and with the approval of the Governor, Comptroller of the State, health officer of the port of New York and the commissioners of quarantine.

Health
officer of
the port of
New
York.

Whenever it shall be made satisfactorily to appear to the Comptroller of the State that the Saratoga Monument Association has fixed and determined upon a plan for a monument to be erected at Schuylerville, Saratoga county, in commemoration of the battle of Saratoga, and that it will not cost to exceed five hundred thousand, nor less than two hun-

Saratoga
Monu-
ment As-
sociation.

dred thousand dollars, to erect and complete such monument upon such plan, and that the association has received and paid over to the treasurer from private subscriptions and donations made by the United States, or State Governments of States, at least a sufficient sum with the amount hereby specified to complete said monument upon such plans, then the State of New York will pay, and contribute by appropriation of the public moneys the sum of fifty thousand dollars to aid in the construction of such monument, and the faith of the State is hereby pledged to such purpose upon such conditions. The plans and estimate of the cost of said monument aforesaid shall be submitted to, and be approved by the Governor and Comptroller of this State, and the Comptroller of this State is hereby made the treasurer of said monument association. The plan so fixed and adopted as aforesaid shall not thereafter be changed without the consent of the Governor and Comptroller, nor so as to increase the cost of said monument.

State prison at Sing Sing.

For the State prison at Sing Sing, for the support of the quarry and lime works, to be paid from the moneys received from the income of said works, seven thousand dollars per month, and all receipts from said quarry and lime works shall be reported monthly to the Comptroller, and the moneys derived therefrom shall be paid monthly into the treasury of the State; for deficiency of appropriation to put up new iron galleries, the sum of three thousand seven hundred and sixteen dollars and sixty-six cents; for the erection of a new shop for laundry to enable inspectors to let the services of four hundred additional convicts, the sum of twelve thousand dollars; for repairs for docks, the sum of three thousand dollars; for alterations of cells at female prison, the sum of three thousand dollars; and for the prison library, testaments and hymn books, the sum of seven hundred dollars.

State prison at Auburn.

For the State prison at Auburn, for stone coping and iron railing for prison wall, the sum of six thousand dollars; for replacing the wooden bunks in the north wing with iron ones, the sum of five thousand dollars; for completing boiler-house, and for heating pipe for keeper's hall, officers' and agent's dwelling, and additional pipes in the north wing, the sum of twenty-five hundred dollars; for deficiency in appropriation for completing contract for iron doors and casements for north wing, the sum of three thousand six hundred and eighty-seven dollars and forty-eight cents; for the prison library, testaments and hymn books, the sum of eight hundred dollars, and for assessment by the city of Auburn for stoning Wall street, the sum of three hundred and three dollars and twenty-four cents.

Prison library.

Insane asylum for convicts at Auburn.

For the Insane Asylum for convicts at Auburn, for finishing the new wing, heating apparatus, pipes, boilers, flooring, locks, doors, bath-tubs, gas and water pipes, fire-proof stairway and labor, the sum of sixteen thousand seven hundred and sixty dollars, or so much thereof as may be necessary; for books and periodicals for patients, the sum of one hundred dollars; for ice-house, the sum of six hundred dollars; and for assessment by the city of Auburn, for stoning street, the sum of one hundred and forty-four dollars and thirty-four cents.

Clinton State prison.

For the Clinton State Prison, for new plank-roads, the sum of three thousand dollars; for wrought-iron grates for windows for lower story of prison, in place of the present cast-iron ones, the sum of one thousand dollars; for fire engine and hose, the sum of fifteen hundred dollars; for prison library, testaments and hymn books, the sum of three hundred dollars; and for Stephen Moffitt, as superintendent of iron manufacturing department, the sum of two thousand dollars; and no part of the above amounts appropriated for either of the State prisons

and insane asylum for convicts, shall be used for any other purpose than that named in this act.

For Thorn and Watson for the balance due them for ore sold and delivered to the Clinton State Prison authorities in eighteen hundred and sixty-five, eighteen hundred and sixty-six, eighteen hundred and sixty-seven, eighteen hundred and sixty-eight and eighteen hundred and sixty-nine, including interest, of sum of thirty-six hundred and seventy-five dollars or so much thereof as the Comptroller shall ascertain to be due to Thorn and Watson for said ore, the same being a re-appropriation made for the same purpose in the year eighteen hundred and seventy-two.

Thorn &
Watson,
for ore
sold.

For the Inspectors of State Prisons, for traveling expenses, in addition to the amount provided by law, the sum of eight hundred dollars each, for the current fiscal year.

Inspectors
of State
prisons.

For James Hasson, for services in aiding in the discipline at Sing Sing prison, the sum of six hundred dollars.

James
Hasson.

For James McGowan, for services in aiding in the discipline at Clinton prison, the sum of four hundred dollars.

James
McGow-
an.

For the Prison Association of New York, to maintain the system of guidance, employment and aid of discharged prisoners as now established, the sum of eight thousand dollars.

Prison As-
sociation.

For the support and maintenance of the State prisons for the residue of the current fiscal year, including the expenses of manufacturing at the Clinton prison, the sum of thirty thousand dollars, and from this appropriation the inspectors, with the approval of the Comptroller, are authorized to make the necessary improvements in the manufacturing department in the Clinton prison.

State pris-
ons, for
support of
residue of
fiscal year.

For reimbursing the county of Onondaga, in full for the balance due for maintaining State prisoners confined in the penitentiary at Syracuse, up to the thirtieth day of September, eighteen hundred and seventy-three, in pursuance of chapter one hundred and fifty-eight of the laws of eighteen hundred and fifty-six, at the rate of one dollar and fifty cents per week, the sum of seven thousand and eighty-five dollars and twenty-one cents, to be paid to the superintendent of said penitentiary to be accounted for by him in such manner as he is required to account for other county funds. The Inspectors of State prisons are hereby authorized, with the approval of the Comptroller, to settle and adjust a claim of the State against Andrew Williams for iron sold to said Williams by the agent and warden of Clinton prison, and to allow, as an offset against such claim, the claim of said Williams against the State, or so much thereof as shall be found to be just and legal, for logs had by the State from lots fifty-six and fifty-seven, in the gore between Dureville Patent and the Old Military Tract, and to receive the balance remaining due to the State, in full settlement of the first-named claim.

Reimburs-
ing Onon-
daga
county for
maintain-
ing State
prisoners.

Inspectors
of State
prisons
author-
ized to
settle with
Andrew
Williams.

For the purchase of ten repeating rifles for the use of the guard of Sing Sing prison, four hundred dollars, or so much thereof as may be necessary, to be purchased by the Chief of Ordnance of the State of New York.

Rifles for
use of
guard at
Sing Sing
prison.

For the canal fund, for the payment of the balance of interest due on deferred payments of the State tax levied for canal purposes in the years eighteen hundred and seventy and eighteen hundred and seventy-one, the sum of seventeen thousand eight hundred and thirty-eight dollars and thirteen cents.

Canal
funds.

The sum of one million dollars is hereby appropriated toward the erection of the new Capitol, which shall be paid by the Treasurer upon

New Cap-
itol.

the warrant of the Comptroller to such persons or commissioners as are authorized by law to receive and expend the same, and to be paid as the same shall be required from time to time for materials and labor used and employed in the building of the new capitol.

New Capitol commissioners to appoint superintendent.

The New Capitol Commissioners shall within thirty days from the passage of this act, nominate and by and with the consent and approval of the Governor, appoint a Superintendent who shall be a person of large experience, and who shall have charge of the work of finishing the new capitol, the employment of the labor and the purchasing of all the materials therefor. The term of office of the present Superintendent shall terminate upon the appointment of his successor and within thirty days from the passage of this act. The Governor upon specific charges made and upon notice to any such commissioner, or superintendent, may remove any such commissioner, or said superintendent for cause, after hearing and an opportunity given to answer such charges by such commissioner or superintendent, and may in case of the removal of any such commissioner, appoint a person in his place who shall hold his office until the first day of May thereafter, unless the vacancy shall be sooner filled by appointment by the Governor, by and with the advice and consent of the Senate. In case of the removal of the Superintendent, the said New Capitol Commissioners shall, in the same manner and with the like consent and approval of the Governor appoint his successor. The salary of said Superintendent shall be ten thousand dollars per year. The New Capitol Commissioners are hereby directed forthwith to erect between the new Capitol building and Congress Hall, a blank brick wall of sufficient length, thickness and height to protect the new Capitol from injury by fire, in case the Congress Hall building shall burn.

Governor may remove commissioner or superintendent, &c.

Salary of superintendent.

Wall to be erected.

Governor to appoint superintending builders.

Their duties, powers, &c.

Purchasing of materials, &c.

Salary.

The Governor is hereby authorized to appoint two Superintending Builders to take charge of the following buildings in process of construction, namely: The Buffalo State Asylum for the Insane, the State Reformatory at Elmira, the Hudson River State Hospital for the Insane at Poughkeepsie, and the State Homœopathic Asylum for the Insane at Middletown, to superintend the construction and completion thereof. The persons appointed under this provision shall be vested, so far as the construction of said buildings is concerned, with all the duties, powers and responsibilities heretofore imposed or conferred upon the commissioners, or managers heretofore appointed to take charge of such buildings respectively, which said commissioners and managers are hereby superseded as to the powers and duties herein referred to. And the Governor may assign either of said superintending builders to the sole charge of any of said buildings. The purchasing of the materials and all things connected with the erection of the said buildings shall be done by contract, and all contracts shall be awarded to the lowest responsible bidder, after being advertised as is now required by law for the advertising and letting of State work on the canals; and the Governor shall have power to remove either of said Superintending Builders at any time, and appoint another in his place. The salary of each of said Superintending Builders shall be eight thousand dollars per year, and he shall give his whole time and exclusive attention to the discharge of the duties of such office, and shall not have any interest in any contract in connection with the construction of said buildings or in the furnishing of any materials or labor therefor.

PAYABLE FROM THE REPAIR TRUST FUND.

The sum of nineteen hundred and eighty-eight dollars and thirty-six cents is hereby appropriated from the repair trust fund, to be paid on the warrant of the Auditor, to pay interest due on certificates of deposit, pledged to secure the performance of contracts for the ordinary repairs of the canals; and the surplus of said fund, after paying said interest, being the sum of two thousand one hundred and thirteen dollars and twenty-two cents, shall be transferred to the fund of the Erie and Champlain canals.

Interest on certificates of deposit, pledged, &c.

PAYABLE FROM THE FREE SCHOOL FUND.

For additional contingent fund for the Department of Public Instruction to pay equitable allowances to delinquent school districts, one thousand dollars.

Delinquent school districts.

For the Department of Public Instruction, for traveling expenses, which may be incurred in the visitation of common schools, normal schools, teachers institutes, Indian schools, and other institutions under the supervision of that department, pursuant to part one, chapter fifteen, title two, section eleven of the Revised Statutes, and chapter five hundred and fifty-five, title one, section thirteen of the laws of eighteen hundred and sixty-four, five hundred dollars.

Department of Public Instruction, for traveling expenses.

PAYABLE FROM THE CANAL FUND.

For the general fund, from the surplus revenues of the canals, for the current fiscal year, the sum of two hundred thousand dollars, in pursuance of section three of article seven of the Constitution, the same being a transfer of said sum of two hundred thousand dollars from the canal fund to the general fund.

General fund.

For the Auditor, to make his salary equal to that of last year, the sum of fifteen hundred dollars.

Auditor, for salary.

For deficiency in the appropriation for salaries, traveling expenses and clerk hire, of the Canal Commissioners, for the fiscal year ending September thirtieth, eighteen hundred and seventy-four, the sum of two thousand eight hundred and forty dollars.

Canal commissioners, deficiency.

For John D. Fay, late Canal Commissioner, for his compensation in making his final report and expenses of clerical assistant, after the expiration of his term of office, the sum of three hundred dollars.

John D. Fay.

For the payment of fees of counsel and witnesses on the part of the State, in trials before the Canal Appraisers, and Canal Board, and Board of Canal Commissioners, the sum of seven thousand dollars, such counsel fees and fees of witnesses on the part of the State on trial before the Canal Board, or board of Canal Commissioners to be audited by the Canal Board and paid on the warrant of the Auditor of the Canal Department. The fees of said witnesses on trial before the Canal Appraisers shall be paid on a certificate of the Canal Appraisers. And one thousand dollars of the above sum shall be set apart by the Auditor and reserved for the payment of such witnesses' fees in trials before said board of Canal Appraisers.

For payment of counsel fees, &c., in trials before Canal Board, &c.

No money hereby appropriated for payment of printing bills shall be paid until the items of each bill have been audited by the Comptroller, and the work shall have been done pursuant to some proper and legal authority, and if the work is not included within a contract, shall be paid for only at prices usually paid by the State for similar services.

Comptroller to audit printing bills.

The Comptroller shall not pay out anything under the provisions of this act to or for the benefit of any asylum or reformatory, for the pur-

Comptroller to approve

plans, &c., before paying to asylums, &c., for erecting new buildings, &c., pose of erecting new buildings, or making other permanent improvements, unless the plans thereof and estimates therefor shall be first presented to and approved by him in writing; and in determining whether he will approve such plans for the expenditure of the appropriations in this chapter provided for said asylums and reformatories, he shall require that they shall provide for plain, substantial work, that will involve the least possible expense consistent with proper provisions for the treatment, comfort, protection and safe-keeping of the inmates of such asylums and reformatories, and with a view of securing the most careful and economical expenditure of all moneys devoted to asylums or reformatories by this act; which said plans, after they shall have been thus approved by the Comptroller, shall not be altered without such alterations being first approved, in writing, by said Comptroller.

The Comptroller is authorized at all times to visit any of said asylums or reformatories, and any part of them he may desire, and whenever he shall desire he shall be allowed to examine and take abstracts or copies of any or all papers, accounts or books of account of any such asylum or reformatory, in whosoever hands they may be, and he shall have power to subpoena to attend before him any witness that he may think proper to examine as to the affairs of any of said asylums and reformatories, and for such purpose is authorized to administer oaths to and examine such witnesses; and if the Comptroller shall, from other official engagements, be unable to make such visitation or examination, he shall appoint, in writing, an examiner for that purpose, who shall be vested with all the power and authority of visitation or examination as to the asylum or asylums or reformatories that the said appointment shall specify, as are hereby conferred upon the Comptroller; and such examiner shall, in all cases, report to the Comptroller, in writing, what proceedings he has taken, what facts he has collected, the testimony he has taken, and his opinion thereon. Whenever it shall, by the examination herein provided for, or otherwise, be made to appear to the Comptroller that any of the moneys by this act appropriated for the benefit of any asylum or reformatory is not being properly and economically used, he shall be authorized to withhold from such asylum or reformatory any unpaid balance of the sum for such asylum or reformatory in this act specified.

The expenses of visitation and examination herein authorized shall be paid by the Comptroller out of the moneys by this act appropriated to the institution so visited and examined; and the Comptroller shall report to the Legislature, in detail, all proceedings had and information collected as to said asylums and reformatories, under the provisions hereof, with such other information as he can give, and such recommendation as he shall think proper to make, that will tend to improve and economize the management of such asylums and reformatories.

The Treasurer shall deposit all moneys, except canal tolls and duties on salt, that shall come to his hands on account of this State, within three days after receiving the same, in such bank or banks in the city of Albany, or in the city of New York, as in the opinion of the Comptroller and Treasurer shall be secure, and pay the highest rate of interest to the State for such deposit.

§ 3. This act shall take effect immediately.

Chap. 324.

AN ACT relative to moneyed corporations, other than banks, institutions for savings, and insurance companies.

Passed May 5, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every trust, loan, mortgage security, guaranty or indemnity company or association, and every corporation or association having the power and receiving money on deposit, existing or incorporated under any law of this State, or any corporation or association not incorporated under the laws of this State, which receive deposits of money, or assume obligations in this State (other than banks, institutions for savings and insurance companies), shall semi-annually make a full report in writing of the affairs and conditions of such corporation, at the close of business, on the last business days of June and December in each year, to the Superintendent of the Banking Department, verified by oath, in such form and by such officers of the said corporation as the said Superintendent may designate, which report shall be in place of any report which any such corporation may now be required to make to the Supreme Court, the Comptroller, or otherwise. Every such report shall be made within twenty days after the day to which it relates, and shall be in such form, and contain such statements, returns and information, as to the affairs, business, condition and resources of such corporation, as the said Superintendent may from time to time prescribe or require. And the said Superintendent may, if he be of opinion that it is desirable, require that a like report, either wholly or in part, as to the particulars aforesaid, be made to him at any time, by any such corporation aforesaid, within such period as he may designate.

Trust, loan, &c., companies to make semi-annual report to Superintendent of Banking Department.

To be in place of report to Supreme Court.

When to be made, and what to contain.

Superintendent may require report at any time.

§ 2. The said Superintendent may at any time, if he deem it to be expedient, cause any such statement, or any statement or report which may be made to him under the provisions of this act, or any part or any abstract thereof, to be published in the State paper for at least three times, the expense of which shall be paid by the corporation to whose affairs such report may relate.

Superintendent may publish report.

§ 3. It shall be the duty of the said Superintendent yearly, either personally or by some competent person or persons, to be appointed by him, to visit and examine every corporation required by this act to report as aforesaid. The said Superintendent and every such examiner shall have power to administer an oath to any person whose testimony may be required on any such examination, and to compel the appearance and attendance of any such person for the purpose of such examination, by summons, subpoena or attachment, in the manner now authorized in respect to the attendance of persons as witnesses in the courts of record of this State; and all books and papers which it may be deemed necessary to examine by the Superintendent or the examiner or examiners so appointed shall be produced, and their production may be compelled in the like manner. The expense of every such examination shall be paid by the corporation examined to such amount as the Superintendent shall determine. Whenever such examination shall be made by the Superintendent personally, or by one or more of the regular clerks in his department, no charge shall be made on such examination, but for necessary traveling and other actual expenses.

Superintendent to visit and examine said corporations. May administer oaths. May compel attendance of witnesses.

Books, &c., to be produced. Expenses.

No charge except actual expenses.

What inquiry to be made.

§ 4. On every such examination inquiry shall be made as to the condition and resources of the corporation generally, the mode of conducting and managing its affairs, the action of its directors or trustees, the investment of its funds, the safety and prudence of its management, the security afforded to those by whom its engagements are held, and whether the requirements of its charter and of law have been complied with in the administration of its affairs.

Superintendent may order the discontinuance of illegal or unsafe practices, &c.

§ 5. If it shall appear to the said Superintendent, from any examination made by him, or from the report of any examination made to him, that any corporation has committed a violation of its charter or of law, or is conducting business in an unsafe or unauthorized manner, he shall, by an order under his hand and seal of office, addressed to such corporation, direct the discontinuance of such illegal or unsafe practices, and conformity with the requirements of its charter and of law, and with safety and security in its transactions, and whenever any corporation shall refuse or neglect to make such report as is hereinbefore required, or to comply with any such order as aforesaid; or whenever it shall appear to the Superintendent that it is unsafe or inexpedient for any corporation to continue to transact business, he shall communicate the facts to the Attorney-General, who shall thereupon be authorized to institute such proceedings against any such corporations as are now or may hereafter be provided for by laws in the case of insolvent corporations, or such other proceedings as the nature of the case may require.

To report facts to Attorney-General.

Corporation receiving deposits in trust to assign stocks to superintendent.

§ 6. Every corporation, whether chartered by this State, or any other State or country, engaged in receiving deposits of money in trust in this State, and required to make a report as to its affairs under this act, in case it shall not have already done so, shall within six months from the passage of this act, and from time to time thereafter, if need be, transfer and assign to the said Superintendent registered public stocks of the United States, or of the State of New York, or of any incorporated city of this State authorized by the Legislature, to the amount in value (and to be at all times so maintained by said corporation) of ten per cent. on the paid-up capital stock of said corporation, now or at any time hereafter, but not less in any case than fifty thousand dollars, which stocks must be registered in the name of the said Superintendent officially, as held in trust under and pursuant to this act, and the same shall be held by the said Superintendent in trust, as security for the depositors with, and creditors of, said corporation, and subject to sale and transfer, and to the disposal of the proceeds by the said Superintendent, only on the order of any court of competent jurisdiction, and until the order of such court authorizing such sale, or transfer, or otherwise, to the contrary, the said Superintendent shall pay over to such corporation the interest which may be received on the said securities, or he may authorize the said corporation to collect and receive the same for its own benefit. Should any company at any time have deposited with the Superintendent more than the amount hereby required, such excess may be refunded. With the approval of the Superintendent such deposit may be made by any company either wholly or in part in bonds and mortgages satisfactory to the said Superintendent, on improved unincumbered productive real estate in this State, worth at least twice the amount loaned thereon; and all the provisions of this section shall apply to such deposit.

Amount thereof.

How registered.

How to be held.

Interest thereon.

Deposit may be of bonds and mortgages.

If foreign corporation does not make deposit, fact to be

§ 7. In case any corporation doing business in this State not chartered under the authority of this State shall refuse or neglect to make the deposit with the said Superintendent hereinbefore required, the fact shall be reported by the said Superintendent to the Attorney-General

who shall thereupon without delay take such proceedings as may be necessary to enjoin and restrain such corporation from transacting any business in this State, and the court to which such application shall be made shall be authorized to make such order or decree, and to issue such process in the premises to enforce compliance by such corporation with the provisions of this statute, or to restrain the transaction of business by such corporation in this State, as it may deem proper.

§ 8. Every corporation, subject to the provisions of this act, shall be assessed by the said Superintendent to pay its proper proportion of the expenses of conducting the business of the banking department, as provided for by the seventh section of the act entitled "An act to organize the bank department," passed April twelfth, eighteen hundred and fifty-one, and shall be considered in all respects as embraced within the provisions of the said section.

§ 9. The amount of money which any such corporation shall have on deposit or loan at any time shall not exceed ten times the amount of its paid-up capital and surplus, and its outstanding loans shall not at any time exceed said amount; but any such corporation authorized to receive court deposits may at any time receive on deposit and loan out any money which may be deposited with it by any of the courts of this State, including the surrogates' courts, notwithstanding such limitation.

§ 10. This act shall take effect immediately.

Chap. 325.

AN ACT to incorporate the village of Bath-on-the-Hudson, Rensselaer county, New York.

Passed May 5, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that tract of land in the town of North Greenbush, in the county of Rensselaer and State of New York, bounded as follows: Beginning at a point on the east shore of the Hudson river (at low-water mark), where the north line of the town of Greenbush intersects the said river; and running thence from said point along the said north line of said town of Greenbush south, fifty-nine degrees forty minutes east, about two thousand and eighty feet to the center of Quackendary Kill; (in this line there are two stone monuments set in the ground, one on the west side of Broadway, and one on the brow of the hill west of the said Quackendary Kill, to indicate the direction and line); thence up and along the center of said Quackendary Kill, and the most westerly branch thereof, to a stone monument set in the ground, and which said stone monument bears south, sixteen degrees forty-five minutes west, one hundred and forty feet from a stone monument set in the ground on the north side of the Albany and Sandlake plank-road; thence north, sixteen degrees forty-five minutes east, one hundred and forty feet to said stone monument on the north side of said Albany and Sandlake plank-road; and thence south eighty-six degrees thirty minutes west, about eleven hundred and ninety-four feet to a stone monument in the center of the gateway at the entrance to the grounds of P. S. Forbes; thence north twenty-one degrees twenty-five minutes east, about four hundred and six feet to a stone monument; thence north forty degrees thirty minutes west, about seventeen hundred feet to the Hudson river;

thence westerly and at right angles to the shore of said Hudson river, until such line meets the channel of said river ; thence down and along the said channel (and which line is the westerly boundary of the county of Rensselaer), until a line drawn westerly and at right angles to the shore of said river from the place of beginning shall intersect said channel ; and thence from said point easterly to the place of beginning ; and containing, exclusive of said river, about two hundred and fifty acres, as surveyed by L. D. Eddy, and others and the courses taken as the magnetic needle now points, comprising a part of the town of North Greenbush, in the county of Rensselaer and State of New York, to be known and distinguished as the Village of Bath-on-the-Hudson ; and the inhabitants residing in said district are hereby declared to be a body politic and corporate by the name of the president and trustees of the village of Bath-on-the-Hudson ; and as such shall have perpetual succession, and may sue and be sued, complain and defend in any court of law or equity ; may take, hold, purchase and convey real estate, as the purposes of said corporation may require ; may make and use a common seal, and alter the same at pleasure, and may exercise such other power as is or shall be conferred by law, or as shall be necessary under this act, to carry the powers conferred on such corporation into effect. The officers shall be a president, six trustees, clerk, street commissioner, collector, three assessors, treasurer and three inspectors of election.

Corpor-
ate name.

Corpor-
ate pow-
ers.

Village of
ficers.

Election
of village
officers.

What
hours the
polls to be
open.

Terms of
office of
trustees.

Ballot,
form of

Term of
office of
president,
&c.

Inspectors
of first
election.
Or subse-
quent
elections.

Inspectors
to canvass
votes, and
declare re-
sult imme-
diately.

Certificate
to be
made, &c.

Candidate
not to act
as inspec-
tor or poll
clerk.

§ 2. An election of the officers of the corporation shall be held on the second Tuesday of May in each year, at such place as the trustees shall appoint, of which six days' previous notice shall be given in writing, in at least four public places, by the clerk of said village, and by advertisement in any newspaper published in said village ; the polls of said election shall be kept open from eight o'clock A. M. until sunset.

§ 3. At the election to be held on the second Tuesday of May, eighteen hundred and seventy-four, each elector shall be entitled to vote by ballot for three trustees for one year and for three trustees for two years, and, at each subsequent election, for three trustees who shall hold office for two years, also three inspectors of election ; his ballot offered for that purpose shall be folded and indorsed "Village ;" he shall also be entitled to vote for a president, collector, three assessors and treasurer of the said corporation, and, at each subsequent election, for such of said village officers as shall be then to be elected, his ballot offered for that purpose shall be folded and indorsed "Village." The president, collector, assessors, clerk, treasurer and street commissioners shall hold office for one year or until their successors are elected and qualified ; the clerk and street commissioner shall be appointed annually by the board of trustees.

§ 4. The inspectors of the first election held under this act shall be A. E. Roberts, R. J. Patton, William H. Ostrander, and, at each subsequent election, the three inspectors receiving the greatest number of votes shall be declared the inspectors of election, and shall be the inspectors of all elections held by virtue of this charter. The persons presiding as inspectors, or a majority of them, at any election held by virtue of this act, shall immediately canvass the votes openly, declare the result, and make and subscribe a certificate of such canvass, showing the whole number of votes given, the number given for each person voted for, and the office for which he shall have been voted for ; which certificate shall be recorded in the records of said village. No inspector of election or poll clerk shall act in such capacity when he shall be a candidate for any office to be voted for by the electors, except for the office of inspector of election.

§ 5. The person eligible and having the greatest number of votes for any office shall be declared elected to such office. The inspectors of election shall canvass the ballot indorsed "Village," and certify the result, and return a copy of said certificate, to the clerk of said village; and the trustees on the day following shall meet as a board of canvassers and declare the result as certified by the inspectors of election as to the ballot indorsed "Village."

Who to be declared elected.

Board of canvassers, when to meet.

§ 6. The inspectors of election presiding at any election shall, within five days after such election, notify the persons elected of their election; and the clerk of the board of trustees shall, within five days after the return of the inspectors of the ballot indorsed "Village" shall have been canvassed by the board of trustees, notify the persons elected of their election. The officers thus elected shall enter upon their duties upon the first day of June.

Notice of election to be given.

When to enter upon duties.

§ 7. Every person elected or appointed to office under this act, who shall neglect to file the oath of office hereinafter required for five days after personal notice in writing from the inspectors, in case of village officers, of their election or appointment, shall be deemed to have declined the office, and his place may be filled as in case of a vacancy.

Official oath, effect of neglect to file.

§ 8. No person shall be eligible to any office unless he shall be a resident and elector of the village. No person shall be eligible to the office of trustee unless he shall be a resident and an elector of the village.

Eligibility to office.

§ 9. No person shall be eligible as president or trustee unless owning property liable to be assessed for the expenditures of the village.

Eligibility of president.

§ 10. All officers from whom bonds are required by the board of trustees shall severally, before they enter upon the duties of their respective offices, execute and file with the village clerk a bond to the village, in such a sum and with such sureties as the board of trustees shall approve, conditioned that they will faithfully execute the duties of their respective offices and account for and pay over all moneys received by them respectively.

Official bonds.

§ 11. The several officers under this act shall each, before entering upon their duties, take and file with the clerk the oath of office provided by the Constitution.

Official oath.

§ 12. All inhabitants of the village qualified to vote for member of Assembly, who have resided within the village thirty days next preceding such election, shall be entitled to vote for all officers to be elected, and at all elections to be held by this act, unless otherwise herein directed; but no person shall vote upon any proposition to raise a tax or appropriate the same, or purchase property, unless he shall at the time be liable to be assessed for such tax.

Qualifications of voters.

§ 13. Any officer appointed by the board of trustees may be removed by the board for misconduct, on notice to such officer, and opportunity given him to make his defense.

Removal from office.

TITLE II.

SECTION 1. The board of trustees shall meet at such times and place in the village as they shall by resolution direct. Special meetings may be called by the president, on the written request of two trustees or ten freeholders, at such time and place as the written notice to be served on the trustees shall direct. This notice shall be served at least five hours before time of meeting.

Meetings of board of trustees, stated and special.

§ 2. The president, when present, shall preside at meetings of the board, and have a vote on all questions; in his absence, any trustee

President to preside

- and have a vote. tee may be appointed president for the time being. A majority of the board shall constitute a quorum for the transaction of business.
- Powers of trustees. § 3. The trustees shall have the care, management and control of the finances and property, and custody of the records and papers and seal, belonging to the corporation; and may keep all buildings and other property of the corporation in repair, and insured against damage or loss by fire. The trustees shall have power, as to acts and matters within the corporate bounds, to make, publish, amend and repeal rules, ordinances and by-laws, for the following purposes:
- To insure. 1. To declare and define the duties and manner of discharging the same, of all officers of the corporation, whose duties are not specially prescribed by this act, and to add to the duties of those officers whose duties are thus prescribed if the board of trustees deem necessary; and to fix the compensation of such officers if not fixed by this act.
- To make by-laws, &c. 2. To prevent vice and immorality, preserve the public peace and order, to restrain and suppress disorderly houses and houses of ill-fame or assignation, gaming-houses and instruments and devices for gaming.
- To define duties, &c., of officers and fix their compensation. 3. To establish and maintain a police force at an expense not to exceed one hundred dollars per year, and prescribe their powers and duties; to erect or procure and maintain a lock-up or designate a place for the detention of persons arrested under this act or under any by-law, rule or ordinance of the board of trustees, and to confine said persons therein.
- To prevent vice, &c. 4. To apprehend and punish common prostitutes, vagrants and disorderly persons and persons unnecessarily congregated upon the sidewalks or corners or disturbing a public assembly.
- To establish, &c., police force. 5. To employ an attorney or attorneys for the transaction of any matter requiring legal skill.
- Lock-up. 6. To prevent incumbering the streets, squares, sidewalks, crosswalks, lanes, and alleys with any material whatever.
- Prostitutes, vagrants, &c. 7. To prevent or regulate any encroachment or the erection of any projection from or opposite any building, in or over or upon any of the streets or sidewalks, and cause the same to be removed at the expense of the owner or occupant of the premises, excepting stoops, area fences, and projections which shall not exceed one-twelfth of any street in said village.
- To employ attorney. 8. To establish and maintain a public pound and appoint a keeper thereof, and to regulate his compensation and fees, the same as fixed by the Revised Statutes.
- Incumbering streets. 9. To restrain the running at large of cattle, sheep, horses, swine, geese or other animals, and to authorize the distraining, impounding and sale of the same for the penalty and costs of keeping and proceedings.
- Encroachments, &c., upon streets. 10. To provide for the lighting of the streets and safety of the lamps.
- Pound and keeper thereof. 11. To erect and maintain fire-engine houses, hook and ladder and hose houses.
- Restraint of animals, &c. 12. To provide for the purchasing and repairing of fire-engines, hooks and ladders, hose carts and hose, and all other necessary apparatus for the same.
- Lighting of streets. 13. To construct and maintain reservoirs and cisterns and supply them with water for use at fires, and to protect and preserve property at fires, prevent fires and provide for their extinguishment.
- Fire-engine houses. 14. To regulate and prevent any act, amusement or practice endangering property or person on the streets, sidewalks or public grounds.
- Fire-engines, &c. 15. To regulate and prevent the running at large of dogs in the village.
- Reservoirs, &c. 16. To regulate and prevent the running at large of dogs in the village.
- Amusements, &c. 17. To regulate and prevent the running at large of dogs in the village.
- Dogs. 18. To regulate and prevent the running at large of dogs in the village.

16. To protect trees, provide for keeping the sidewalks and gutters free from snow and ice, dirt and other obstructions; and to direct and compel the cleaning of the streets by the persons owning or occupying the premises fronting thereon. Trees and sidewalks, &c.

17. To regulate swimming and bathing in the waters within and bounding the village. Bathing.

18. To prevent immoderate driving or riding within the corporate limits, leaving horses untied in the streets, and to authorize any officer to stop any one guilty of such riding or driving in the streets. Immoderate driving, &c.

19. To regulate the time, place and manner of keeping and selling meats, fish, vegetables, and other agricultural products on the Sabbath day, and the location of slaughter-houses and places, and houses for storing of gunpowder or other explosive material. Sale of meats, fish, &c. Slaughter-houses, &c.

20. To compel the removal and abatement of any public nuisance, and, if not done within such time as the trustees may allow, to cause the same to be removed or abated at the expense of the village, and to declare such expense to be a lien upon the lot on or in front of which it was, and to enforce the collection of such expense by selling the premises in the manner prescribed in this act for the collection of unpaid taxes, or by action against the owner or occupant of such lot, or any other person who may maintain or control such nuisance. Nuisances.

21. To prohibit or regulate all exhibitions or performances for money or hire, or authorize the same on such terms as the trustees shall deem expedient. Exhibitions, &c., for money.

22. To restrain and prevent hawking and peddling in the streets, excepting farmers, gardeners and all others who have a village license for the same; to regulate, restrain or prohibit sales by auction, and grant licenses to auctioneers, peddlers, cartmen, express and truckmen. Hawking and peddling. Auction sales, &c.

23. To regulate the use of candles, kerosene or burning materials of any kind, or lights or fires in barns and stables and other places liable to take fire. Lights, &c.

24. To regulate and control all existing public cemeteries, and to provide for the establishment of new ones, and to prevent all interments within the bounds of the incorporation, except in such cemeteries. Cemeteries.

25. To keep the roads, avenues, street, lanes, public buildings and public places of the village in good repair, order and condition; to construct sewers, culverts and drains; to make and repair all bridges which may be necessary within the bounds of the village; to regulate Roads, avenues, &c. Sewers, &c.

and prescribe the width, line and grade of streets, avenues, lanes and sidewalks; to pave, plank or flag roads, streets, crosswalks or sidewalks, lay out and open new roads and streets, to widen, alter and change the grade or otherwise improve roads, avenues, streets, lanes and sidewalks; to drain stagnant waters, and to raise or fill up low grounds, if nuisances, at the expense of the persons benefited, and to regulate the water-courses, ponds and watering places in the village; Width, &c., of streets, &c. Stagnant waters.

but no new road or street shall be opened and no widening, no sewer, drain, curbstone, or flagged, brick or composition sidewalk, or changing the grade of any street shall be done, unless on written application of the owners of a majority in feet of the property on the line of such proposed improvement. The grade of all streets shall be confirmed and a profile of said grade recorded in a book to be kept for that purpose, and no work shall be commenced on any street, lane or avenue until such grade or profile has been confirmed and recorded; but, Application of owners. Grade of streets.

whenever a new bridge or culvert, or public building is authorized by the trustees, or the grading or paving of any street, sidewalk or crosswalk Bridge, culvert, or public building.

Proposals
for build-
ing of.
Contract
to be
awarded
to lowest
bidder.

in any of the streets, lanes or avenues of said village, it shall be the duty of the trustees to advertise for sealed proposals for doing said work, and, in all cases, the trustees shall award such contract to the lowest responsible bidder, upon condition that the person or persons awarded the contract shall give to the trustees good and sufficient bonds, conditioned for the faithful performance of the contract according to the plans and specifications adopted by said trustees for such work.

Discharge
of fire-
arms,
rockets,
&c.

26. To prevent and punish any person or persons for the discharge of fire-arms, rockets, gunpowder and fire-works in the roads, avenues, lanes, streets and public places of the village, or in the vicinity of any building therein.

By-laws,
&c., the
making,
publica-
tion and
enforcing
thereof.

27. The board of trustees shall have power to make and establish all legal by-laws, rules and ordinances necessary to carry out the purposes of this act, print and pay for the same, and to enforce such by-laws, rules and ordinances, and to pay the expenses of such enforcement out of the corporate funds. The trustees shall also have power to prescribe penalties for a violation thereof, not exceeding one hundred dollars for each offense, but all such by-laws, rules and regulations, and ordinances, shall be posted in at least four public places, and by publishing in the public newspapers published in said village, ten days before they shall take effect.

Penalties.

Improve-
ments up-
on side-
walks and
streets,
trustees
may com-
pel owners
and occu-
pants of
lots to
make.

§ 4. The trustees shall have power to compel the owners and occupants of lands, or lots in front and adjoining which a sidewalk or street is to be made or repaired, to make such improvements upon the sidewalk or street in front of said land or lot, and shall determine and prescribe the manner of doing the same, and the material to be used therein, and the quality and kind of such materials; and in case the owner or owners, occupant or occupants, of any such land or lot shall neglect or refuse to complete the said required improvements, within such reasonable time as shall be required by the trustees, the said trustees may cause such improvements to be made or completed, and the expense thereof may be by them assessed, together with the expenses of surveying and superintending, on such owner or owners so neglecting or refusing, and be collected by warrant issued by the president and trustees as other taxes are directed to be collected by this act; and in case such tax or assessment shall not be paid or collected, the trustees may cause such real estate to be sold as hereinafter provided, or the owners thereof to be sued for payment and collection of such tax and the cost and expenses arising from non-payment, in the manner and with the effect, and subject to the provisions of this act in regard to the collection of taxes and assessments, by selling of real estate, or by action at law against the person liable.

In case of
refusal,
trustees
may make
and assess
expense.

How col-
lected.

Real es-
tate may
be sold.

Fire de-
partment,
trustees
may or-
ganize,
&c.

§ 5. Trustees are authorized and empowered to organize a fire department, and to provide for the government and discipline of the same, to consist of one or more engine companies, one or more hook and ladder companies, one or more hose companies, to appoint a sufficient number of suitable persons as members, not exceeding sixty to each engine company, and not exceeding forty to each hose and hook and ladder company, with the consent of the persons appointed. A foreman and assistant foreman for each company shall be chosen by the members of each company, in the manner to be directed by the trustees, and subject to their approval and ratification.

Foreman
and assist-
ant, to be
chosen.

Exemption
of firemen
from mili-
tia ser-
vice.

§ 6. Every member of the fire department, while such member, shall be exempt from serving in the militia, except in cases of war, invasion and insurrection, and every person who shall serve in such fire department seven successive years shall thereafter be entitled to the like

exemption from military service, and a certificate of such service, authenticated by the president of the village and the corporate seal, shall be presumptive evidence before all courts and officers, civil and military, of such exemption.

§ 7. The chief engineer of the fire department, and, in his absence, the senior assistant engineer, shall have the direction and control of the department, subject to such regulations as shall be prescribed by the trustees.

Chief engineer to have direction of department.

§ 8. The trustees may, and it shall be their duty to, take precautionary measures to guard the public health in times of infectious and pestilential diseases, and to provide against them when they appear in the village, by providing places for the removal of persons having such diseases from the populous part of the village, and to pay the expenses incident to such removal; and they shall have the power to remove such persons and they shall have the power to appoint one or more health commissioners, who, with the president, shall constitute a board of health of the village; and such board of health shall possess the powers conferred by, and be subject to the provisions of the act of the legislature of the State of New York, entitled "An act for the preservation of the public health," passed April tenth, eighteen hundred and fifty, and acts amendatory thereof, in addition to the powers which may be given under this act.

Public health, powers & duties of trustees in regard to.

Board of health, how constituted, its powers, &c.

§ 9. The trustees shall have the auditing of all accounts against the village, and no account, claim or claims shall be paid, unless allowed by them or after judgment obtained thereon. When an account or claim shall be audited by them, the trustees auditing the same shall cause to be indorsed thereon, or annexed thereto, a certificate, signed by the president and countersigned by the clerk of the village, of such auditing, and allowing or disallowing the same, in which the sum allowed and the fund out of which the same is to be paid shall be specified.

Trustees to audit claims.

Indorsement on claims.

§ 10. No such account or claim shall be allowed by the trustees unless it shall be made out in items and accompanied by the affidavit of the person claiming to have rendered the services or furnished the materials or made the disbursements therein charged, that the items of such account or claim are correct as to the service, material and disbursements mentioned, that such service and materials were rendered and furnished and disbursements made for the corporation, and no part of such claim has been paid; the claimant may be examined on oath by the trustees, in relation to said claim and the items thereof. Nothing herein shall be construed as preventing the trustees from disallowing any account or claim in whole or in part when so made out and verified, nor from requiring other or further evidence of the correctness and reasonableness thereof.

Account or claim to be made out in items and verified.

Claimant may be examined on oath.

Claim may be disallowed.

§ 11. The president shall and must, at the last meeting in April of each year, present and publish in the village newspaper, or by hand-bills, a detailed statement of expenditures for the past year and of the estimated ordinary expenditures of such village for the ensuing year, to meet which taxes may be lawfully raised, specifying each general item of anticipated expense; which statement shall be signed by them,* filed with the clerk and recorded in a book to be kept for that purpose.

President to publish statement of expenditures annually.

§ 12. The trustees are empowered to give names to the roads, lanes, streets, avenues and public places in the village, and to cause the houses and lots on said roads, lanes, streets and avenues to be properly numbered.

Names of streets, &c.

Place of meeting.	§ 13. The board of trustees shall have power to provide a suitable place for holding their meetings, and proper cases and books for the clerk to preserve the records and papers of the corporation.
Trustees may raise money by tax.	§ 14. The trustees shall have power to raise, by assessment and tax, money for the expenditures required by the provisions of this act, and the proceedings had thereunder, and may assess and collect a poll tax
Poll tax.	of one dollar on each male resident of the village between the age of twenty-one and sixty years, which poll tax shall be kept apart as a
Application of.	separate fund and be used for crosswalks in said village; and should there be a surplus of said fund in any one year, such surplus shall be applied to the fire department fund.

TITLE III.

Expenditures.	SECTION 1. The expenditures of the village shall be denominated ordinary expenditures and extraordinary expenditures.
Ordinary, their amount.	§ 2. "Ordinary expenditures" shall be those necessarily incurred to carry out and enforce the rules, by-laws and ordinances which the trustees are authorized to adopt by title two of this act, and to give force to the powers therein conferred, not to exceed two thousand dollars in any year.
Extraordinary, resolution to raise money for, to be submitted at an election.	§ 3. The trustees shall have power to raise money for an extraordinary expenditure for any purpose, by assessment and tax, by submitting a resolution, stating the amount to be raised and the specific object for which, to the annual election, or a special election of the legal electors entitled to vote on such question, to be held as in this act directed; the trustees shall have power to appoint such special election, designating the time and places. If the majority of the ballots cast have on them the word "yes," then the trustees may raise the amount voted.
Resolution to specify object and amount.	§ 4. When extraordinary expenditures shall be necessary in the judgment of the trustees, they shall have power to pass a resolution or resolutions, to be entered in the records of their proceedings, specifying the object and the amount required. No resolution shall express more than one object, and the amount required for the same. If more than one such resolution is submitted at the same election, whether an annual or special election, such resolutions shall be numbered respectively
Resolutions to be numbered.	"one," "two," "three," up to the number of resolutions submitted, and the ballots used at such election shall be as many as the resolutions submitted, and having thereon the words "resolution number one," or "resolution number two," or "resolution number three," up to the number of resolutions, with the word "yes" or the word "no." Ten
Ballots.	days' notice of such elections, whether an annual or special election, shall be given by the clerk, by posting notices in ten public places and in the public paper of the village, stating time and place and object of election, and a copy of the resolution or resolutions. The same inspectors shall preside at, and the same provisions apply to, such elections as are provided for in this act for all village elections held after the first election of officers of the village. If the majority of the ballots cast have thereon the word "yes" for any resolution, such resolution shall be adopted. The return of the inspectors shall set forth each resolution voted on, and attach thereto a statement containing the number of ballots with "yes," or with "no," received for such resolution. The inspectors presiding at such election shall file their return
Ten days' notice of such election to be given.	with the village clerk immediately after the canvass.
Inspectors, &c.	
Resolution, when adopted.	
Returns of inspectors to be filed.	

TITLE IV.

SECTION 1. It shall be the duty of the president of the board of trustees to see that the by-laws, rules and ordinances of the village and the provisions of this act are enforced, and to recommend to the board such measures as he may think necessary; and, as the head of the police of the village, he shall maintain peace and good order, and have the power of arrest for such purpose. If the president shall be unable to perform the duties of his office, the board of trustees shall appoint one of their number to preside at their meetings, and he shall be vested with all the powers and perform all the duties of the president of the village, until the president shall resume his office or the vacancy be filled according to law.

President,
his duties.

Board of
trustees to
appoint
one of
their
number to
preside.

§ 2. The treasurer shall receive all moneys belonging to the village, and keep an accurate account of all the receipts and expenditures. All moneys shall be drawn from the treasurer in pursuance of an order of the board of trustees, signed by the president or the presiding officer of the board, and countersigned by the clerk. The books and entries of the treasurer, and the order and check book of the clerk, shall be open for the inspection of any elector of the village at all reasonable hours. The treasurer shall exhibit to the board of trustees, at least ten days before the annual election in each year, a full account of all the receipts and expenditures after the date of the last annual report, and also the state of the treasury, which account shall be filed and recorded in the office of the clerk. The treasurer shall keep separate accounts of the money received and paid out for "ordinary expenditures" and "extraordinary expenses," and poll-tax, and for what purpose paid.

Treasurer,
his
duties.
Moneys,
how
drawn
from
treasury.

Books of
treasurer
and clerk
to be open
to inspection.

Treasurer
to keep
separate
accounts.

TITLE V.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act, or under the rules, by-laws and ordinances made in pursuance of it, shall be brought in the corporate name of said village, and in such action it shall be lawful to declare or complain generally for such penalties or forfeitures, stating the section of this act or rule, by-law or ordinance, under which the penalty or forfeiture is claimed, and briefly setting forth the violation thereof for which the complaint is made.

Actions
for penal-
ty, &c., to
be
brought in
corporate
name of
village.

§ 2. The first process in any suit brought by the village for a penalty under this act, or a rule, by-law or ordinance adopted by the board of trustees, in pursuance of said act, shall be a summons or warrant. If the defendant in such action has not property, personal or real, whereof the judgment can be collected, the execution shall require the defendant to be imprisoned in the jail of the county of Rensselaer for a term not exceeding ten days.

First pro-
cess a
summons
or war-
rant.

Body exe-
cution.

§ 3. The affidavit of the party publishing or posting any notices required to be published or posted by the provisions of this act, or by any rule, by-law or ordinance made in pursuance thereof, shall be deemed presumptive evidence of such posting or publishing in all courts and places, and in all actions and proceedings.

Notices,
proof of
posting.

§ 4. In actions brought by or against the village, it shall not be an objection against the person acting as justice or juror in any such action, that he is a resident of the village or subject to taxation therein.

Justice or
juror not
disquali-
fied.

§ 5. Any justice of the peace of the town or towns in which such village shall be located shall have jurisdiction in all criminal cases that may arise within the bounds of the village, with the same powers, and subject to the duties and liabilities, as a justice of the peace in other

Jurisdic-
tion of
justices of
the peace.

cases. He shall also have jurisdiction in all actions brought to recover fines or penalties for the violation of any provision of this act, and of the rules, by-laws and ordinances of the village, or to recover any tax or assessment levied by the village, and his proceedings and judgments may be reviewed in the same manner as is or shall be provided by law in cases of judgments and proceedings of justices of the peace. Said justice shall receive the same fees and compensation as is provided by law for similar services. The fees and compensation of such justice shall be audited and paid, and collected in the same manner as the fees of justices of the peace for similar services. All fines recovered by him in suits for the violation of the provisions of this act, or the by-laws, rules and ordinances of the corporation, shall be paid over to the treasurer of the village upon their receipt by such justice. In such last mentioned suits, if judgment is entered, the said justice shall award costs, including witness fees and other legal disbursements, to the successful party, to the same amount as a justice of the peace could in civil actions or proceedings before him.

Proceedings and judgments of, how reviewed.

Fees, how paid.

Fines to be paid to village treasurer.

Costs.

Money cannot be borrowed, except for ordinary expenditures, &c.

Money may be borrowed for special purpose.

Assuming to create liability, or to appropriate money of village, makes the individual liable.

Misdemeanor.

Trustee not to be interested, &c.

Record of proceedings.

Votes, record thereof.

Vagrants, disorderly persons, &c., how tried.

Adjournment and commitment

§ 6. Money cannot be borrowed on the credit of, nor can any debt be created in behalf of, said village, payable at a future time, nor can any debt or liability be incurred by said village, except for ordinary expenditures of the village, or for bridges, within the income of the current year, for the ordinary expenses or bridge purposes applicable to such purpose. When the raising of any money for a special purpose, as an extraordinary expenditure, as provided in this act, has been voted, the amount may be borrowed, or a liability by contract for the special purpose may be incurred, not exceeding the expense ordered, until the amount can be raised by a tax as herein provided.

§ 7. Any officer or person who shall assume to create a liability or appropriate any money or property of the village, contrary to the provisions of this act, or shall assent thereunto, shall be personally liable for such debt or liability to said village, for such money or property; and each of the trustees present, when such violation shall have been committed, shall be deemed to have assented thereto, unless he shall express his dissent and request the same to be entered on the records of the proceedings. Any willful violation of this section shall also be a misdemeanor.

§ 8. No member of the board of trustees shall be interested in any contract or work done in any manner, directly or indirectly, or furnish materials, to which said village shall be a party.

§ 9. The board of trustees shall cause to be kept a record of its proceedings. All votes shall be taken by ayes and noes, when required by one of the trustees, and shall be entered in such record, and such record shall contain the names of the members of the board present and voting on any question, and the affirmative and negative votes of the members so voting.

§ 10. When any person complained against as a vagrant, disorderly person, riotous person or person keeping a disorderly house, or a house of ill-fame, or assignation or prostitution, under the provisions of this act, or any rule, by-law or ordinance made in reference to such persons, under this act, shall be brought before an officer having jurisdiction of such matters, he shall, unless the offense complained of be indictable at common law, proceed forthwith to try and determine the complaint against said person, as provided by law for the offense of which such person is arrested; or such officer may, in his discretion, adjourn the hearing on cause shown, not to exceed five days, and in the meantime commit the offender to the village lock-up or place of confinement or

county jail, until such day, unless such person shall execute a bond approved by the said officer, conditioned that he or she will appear on the adjourned day, when such trial shall be had. pending trial.

§ 11. In case any person, having been an officer of said village, shall refuse or neglect to deliver to his successor in office, within ten days after notification and request, all moneys, books, papers, records, property and effects of every description in his possession or under his control, belonging to said village or appertaining to his office, he shall forfeit and pay, for the use of said village, the sum of twenty-five dollars for each and every day he shall so neglect or refuse; and also all damages caused by such refusal or neglect, to be recovered by suit by said village. Penalty for refusing to deliver to successor in office moneys, books, &c.

§ 12. Every ordinance, by-law, rule, resolution or proceeding of the board of trustees may be read and received in evidence in all courts of justice, and in all places, and in all actions or proceedings, either from the original record kept by the clerk of said village, or from a copy of such ordinance, by-law, rule, resolution or proceeding, certified under the corporate seal by the clerk, or from any printed volume containing such ordinance, by-law, rule, resolution or proceeding, with the certificate of the clerk that such volume contains a correct copy of such ordinance, by-law, rule, resolution or proceeding, and that the same was printed under authority of the board of trustees. Original record of ordinances, by-laws, &c., or certified copy thereof, evidence.

§ 13. The term "vagrant," as used in this act, comprises the persons described in part one, chapter twenty, title two, section one of the Revised Statutes. Vagrant, defined.

§ 14. All persons found intoxicated in the streets of the village, or persons who shall be guilty of noisy, riotous or tumultuous conduct, disturb the peace and quiet of said village, or of any meeting or assembly therein; all persons who shall willfully give a false alarm of fire; all persons who shall publicly use any profane, vulgar or obscene language or conduct in any street or public place in said village; all persons who shall willfully and maliciously break, mar, injure, remove or deface any building, fence, awning, sign, signboard, tree, shrubbery or other ornamental thing in said village; all persons who shall remove or pile up before any door or any sidewalk or street, boxes, casks or other things, for the purpose of annoyance or mischief, or who shall willfully tear down, destroy or mutilate any notice or hand-bill lawfully posted in said village; all persons who shall excite or induce dogs to fight in any of the streets or public places in said village; all persons who, at the time of any fire in said village, shall be guilty of any insubordination, or of any disorderly conduct, or who shall attempt to obstruct the operations of the fire department, or shall willfully neglect or refuse to obey, or attempt to prevent or obstruct the execution of the orders of the trustees or officers of the fire department, shall be deemed, and are hereby declared to be, disorderly persons under this act, and under any rule, by-law or ordinance adopted in pursuance thereof for the punishment of disorderly persons. Disorderly persons defined.

§ 15. Every assessment made by the persons acting as assessors of said village shall be and remain a lien on the lots or lands assessed, in the same manner and to the same effect as town and county taxes, from the time of filing the assessment roll, as herein directed, until paid or otherwise satisfied. Assessments, when they become a lien.

§ 16. No person shall hold at the same time more than one of the offices created by this act, unless otherwise provided herein. To hold no more than one office.

§ 17. Whenever any real estate in said village is owned by two or more persons jointly, or as tenants in common, a notice served on one Notice to one joint tenant or

tenant in common, notice to all.

of such persons shall be sufficient notice to all, and for any purpose requiring a notice under this act; and whenever said owners reside out of said village it shall be sufficient to serve such notice on the occupant or lessee of such real estate except as herein otherwise provided.

Resignations.

§ 18. All resignations of officers, under this act, shall be made to the trustees, subject to their acceptance.

Compensation of village officers.

§ 19. The president and trustees of said village shall not receive any compensation as such. The compensation of the treasurer shall not exceed one hundred dollars per annum. The compensation of the street commissioner shall not exceed three dollars per day, for actual services rendered. The compensation of the assessors shall not exceed that allowed by law to town assessors. The compensation of the clerk shall not exceed two hundred dollars per annum. The compensation of inspectors of election shall not exceed that allowed by law to town inspectors. The duties and compensation of the collector shall be the same as allowed by law to the town collector.

TITLE VI.

Assessor to make and deliver to trustees tax roll.
Board to hear grievances, meeting.

SECTION 1. It shall be the duty of the assessors, within thirty days after any tax is legally directed to be levied or assessed, to prepare and deliver to the board of trustees a tax roll and assessment of such proposed tax, upon the taxable inhabitants and property in said village, and they shall proceed as hereinbefore provided. The board of trustees and assessors shall form and constitute a board to hear grievances in reference to assessments, and shall hold a meeting within ten days after the assessment is made and advertised by the clerk.

Assessors to deliver assessment roll to clerk, &c.
Trustees to attach warrant.

§ 2. It shall be the duty of the assessors, upon the final completion of the assessment roll, to deliver the same to the clerk of said village, and file a true copy of the same with the treasurer. It shall be the duty of the trustees, or a majority of them, forthwith to assign* and attach to such roll delivered to such clerk, a warrant to the collector for said village for the collection of such tax, similar in form to the one prescribed by law for the collection of town and county taxes.

Cost of local improvement, except drains, &c., to be assessed upon lots adjoining.

§ 3. Any sums imposed by said trustees or directed by them to be raised for a specific work or improvement, except drains or sewers, which they shall judge and declare to be local, shall be assessed by said assessors upon or among the lots and lands upon or in front of which such work shall be done or improvements made, and upon the owners or occupants of said lots in said village in respect thereof; and said assessment shall be so made as that the lots upon or in front of which such work shall be done or improvements made, and the owners or occupants in respect thereof shall be subject thereto, and shall pay the proportion of said sum so directed to be raised, which shall be incurred or expended upon, or in front of said lots, respectively.

Assessments for drains, &c., to be proportioned by assessors.

Local, to be assessed upon lots upon or in front of

§ 4. Assessments imposed or sums directed to be raised by the trustees for the costs and expenses of laying down, making or repairing, improving and opening drains and sewers, whether for general or local purposes, shall be laid or assessed, and distributed or proportioned by the assessors. Those which the trustees shall declare to be local shall be assessed by said assessors upon the lots upon or in front of which said sewer or drain shall be made, laid, opened or improved, and the surface water of which shall empty into such drain or sewer, in a just proportion, as near as may be, to the benefits which each person so

*So in original.

taxed or assessed, and the lot or lots owned or occupied by him shall be deemed to receive from such drain or sewer. The said assessment shall be made as other taxes and assessments hereinbefore provided.

§ 5. The clerk of said village shall attend all meetings of the board of trustees, record their proceedings, file, preserve and keep all books and papers belonging to said corporation and appertaining to his office, attend to the publication of all by-laws, ordinances and notices as the trustees shall direct, and perform such other duties as the trustees may, from time to time, lawfully direct or ordain. The books and papers in the office of said clerk shall, at all times, on demand, be produced for inspection to all taxable inhabitants of said village, and, upon like demand and the tender of fees at the rate of six cents per folio therefor, he shall make and furnish a certified copy or transcript of any papers or records filed with him as such clerk. In case of the absence of the clerk from any of the meetings at which he is required to officiate, his duty on such occasion shall be performed by such person as the board of trustees shall, for the time being, designate.

§ 6. Whenever any tax or assessment roll shall be returned by the collector to the clerk as remaining unpaid, the board of trustees shall direct the clerk of said village to advertise and sell such lot or lots against which such taxes or assessments remaining unpaid, for a term of time for the payment of such tax or assessment, with interest at twelve per cent. per annum, giving thirty days' notice of such sale by posting six notices and publishing in the village newspaper, and serving personal notice on the owner or occupant of such estate, or his agent, if a resident of said village, or by depositing the same in the post-office, directed to such owner or occupant at his place of residence or the nearest post-office thereunto, if known. Upon such sale such property shall be sold to the person who shall offer to take the same for the shortest term for the payment of such tax or assessment, with interest at the rate aforesaid, and the expenses of such notice and sale. The trustees shall thereupon, on the payment thereof by such purchaser, deliver to him a certificate of such sale signed by the president and countersigned by the clerk, with the corporate seal affixed thereto. The execution of such certificate may be proven or acknowledged as deeds, and be recorded in like manner and with like effect as other conveyances of land.

§ 7. If the owner or occupant of such real estate or property, his heirs or assigns, shall not, within two years after such sale, pay or tender to the purchaser or his legal representative, or to the treasurer of the village, the amount so paid by him, with interest, as hereinbefore mentioned, such purchaser or his legal representative may, immediately after the expiration of two years, enter into the possession of such real estate, and hold and occupy and enjoy the same during the term for which it was sold; and the said certificate, duly proved or acknowledged, shall be presumptive evidence of the right of said purchaser, after said two years, to receive possession thereof.

§ 8. It shall be the duty of the clerk, in all cases of such sale, to make an entry of the same in the records of said board, with the description of the property sold, the amount for which the same was sold, the length of the term or time, and the name of the purchaser, and to return a copy of said sale, and all moneys the proceeds of such sale, except the fees of the clerk for selling, to the treasurer of the village of Bath-on-the-Hudson.

§ 9. It shall be the duty of the assessor to complete the assessment roll for all improvements ordered made by the board of trustees within

sewer, &c.
in proportion to
benefits.

Village
clerk, his
duties.

Book,
&c., to be
produced for inspection.

Real estate to be
sold for a
term of
time for
unpaid
taxes.

Notice of
sale.

To be sold
for shortest
term.

Certificate of
sale.

May be recorded.

When
purchaser
may take
possession.

Certificate as
evidence.

Entry of
sale in the
records,
with description,
&c.

Proceeds to be paid to treasurer.

Time for completion of roll

and collection of taxes.

ten days after the completion of any work; and the time for the collection of such taxes or assessments shall be limited to sixty days; and the president shall not be allowed to issue his warrant for the payment of any contract for such improvements within sixty days from the time of the completion of the work.

TITLE VII.

The village a highway district.
Trustees commissioners of highways.
Their powers.

No street, &c., to be opened, &c., unless damages, be released, except on petition of freeholders.

Trustees to examine petition.

Description and notice of hearing to be posted.

Notice to be served upon owners.

Person interested may be heard.

Trustees may deny petition, or approve, &c.

Damages may be determined by agreement.

Jury to award damages.

Notice of meeting to be given to owners.

Jury to be sworn.

SECTION 1. A village incorporated under this act shall constitute a separate highway district within its corporate limits, exempt from the superintendence of any one except the board of trustees, who shall be commissioners of highways in and for such village, and shall have all the powers of commissioners of highways of towns in this State, subject to this act, and, as such, they shall have power to discontinue, lay out, open, widen, alter, change the grade, or otherwise improve roads, avenues, streets, lanes, crosswalks and sidewalks; and for that purpose may take and appropriate any land in said village; but no road, avenue, street, lane or sidewalk shall be opened or altered, unless all claims for damages on account of such opening or altering shall be released without remuneration, except on the written petition of at least ten freeholders residing in said village, which petition shall specify the improvement to be made, describe the land to be taken, state the owner or owners thereof, when known, and shall be filed in the office of the clerk of the village. On the presentation of such petition the trustees shall and must meet and examine the same; and if they decide the improvement shall be made, they shall so decide by resolution to be entered in the minutes of the board; and they shall thereupon put up, in five public places in said village, a correct description of the lands to be taken to make such improvement, and a notice that the trustees, at a place and on a day at an hour therein specified, not less than five days from the date and posting thereof, will meet and hear any objections that may be made to the taking of such land or making such improvement; a copy of which notice must be served on the owner or owners of such land at least five days before said meeting, unless said owner is a non-resident of such village; in which case said notice and description must be deposited in the said village post-office, directed to said owner, at least twenty days before such meeting. Any person interested may be heard and introduce testimony before the board of trustees as to the matter, on the day specified in the notice, or on such other days as the board may appoint. After such hearing, the trustees may deny the petition, or approve and declare by resolution, to be entered in their minutes, their intention to make the said improvements, and proceed to obtain possession of the lands described in the manner provided by this act.

§ 2. Whenever any road, avenue, street, lane or sidewalk is opened or altered, the damages claimed by reason thereof may be determined by agreement between the board of trustees and the persons claiming such damages; but in case the damages are not so determined or released, the board shall, on being notified by the president as in case of a special meeting or at a regular meeting, meet and cause a jury of six freeholders to be summoned to determine and award said damages. Five days' notice of the time and place of such meeting shall be given to the owner or owners of such lands, if residents of the village, and if not such residents, then notice shall be sent, ten days before such meeting, by mail, directed to the place of residence, if known, of each of such non-residents; the jury shall be sworn to faithfully and impar-

tially execute their duty; shall examine the premises, hear the proofs and allegations of the parties, and reduce the testimony to writing, if any is taken; and they shall determine and award to the owner or owners of such lands such damages as they will sustain by the proposed alteration or improvement, after making allowance for any benefit which the said owner or owners may derive therefrom. The determination and award of the jury shall be signed by them and filed in the office of the village clerk, and a copy served on the persons entitled to such award. If no appeal is made within twenty days from the time of such service, the determination and award of such jury shall be final and conclusive on all persons interested. A copy of such award, certified by the clerk under the seal of the village, shall be evidence of the same in all courts and places, and all actions and proceedings.

To examine premises, hear proofs, award damages, &c.

Awards to be signed and filed.

Award of jury, when final.

Evidence.

§ 3. No trustee, who is interested in any lands taken for such alteration or improvement, shall act with the trustees when sitting as a board to determine the damages, or to summon the jury to award damages for taking such land.

Interested trustee not to act.

§ 4. Any person interested therein may, within twenty days after notice of the award of the jury, appeal from such award by petition to the county judge of the county where such village is situated, praying for the appointment of three commissioners, residing in said county, to review said award of said jury. The person appealing shall execute a bond to the village in its corporate name in the penal sum of two hundred and fifty dollars, with two sureties, who shall justify in twice the amount, conditioned for the payment of the fees of the said commissioners and costs of appeal, in case the award of the jury shall not be increased twenty dollars by said commissioners to each party appealing; filing such bond with and serving a copy of said petition, with a notice of the time when and place where the same will be presented to the said judge or the village clerk, shall operate as a stay of proceedings until the decision of the commissioners thereon. All persons appealing from the award of the jury for damages, as to one single and continuous alteration or improvement, shall join in one petition, and may execute a joint and several bond in two hundred and fifty dollars, with sureties, and conditioned as hereinbefore mentioned, and there shall be but one board of three commissioners appointed to review the award of such jury. At the time mentioned in the notice, and when the commissioners are appointed, any person may be heard in the matter. The said judge shall, on hearing the parties, appoint three disinterested electors as commissioners, residing in said county, but not in the village, to review the award of said jury, and determine and award the damages of the person or persons appealing. Immediate notice shall be given by some of the persons appealing to the persons designated as commissioners, and if any one declines or is disqualified, the judge shall appoint some disinterested person, an elector residing in said county, but not in the village, to fill the vacancy. Said commissioners shall meet at such village within ten days after being notified of their appointment. They shall give the president of the village five days' notice of the time and place of their meeting, shall be sworn to do their duty, shall have power to compel attendance of witnesses by subpoena, shall examine the premises and hear the proofs and allegations of the parties, and shall award such damages to the parties appealing as they shall deem just. The award of the commissioners shall be signed by them and be returned to the president of the village within fifteen days after the first meeting of the commissioners, and shall be filed with the

Appeal.

Bond to be executed by appellant.

Condition thereof.

Stay of proceedings.

Persons appealing, when to unite in one petition.

Commissioners to be appointed to review award.

Vacancy, how filled.

Meeting of commissioners, and notice thereof.

Their powers and duties.

Award to be returned to the president.

dent with- clerk. Said award shall be final and conclusive on all persons inter-
in 15 days. ested, and the board of trustees may thereupon take possession of the

Their
compen-
sation,
how paid.

Guardi-
ans for in-
fants, &c.

Assessors
may as-
sess dam-
ages with-
in 20 days
after final
award.

Roll to be
filed.

Damages
to be paid
or ten-
dered
within
one year.
When
damages
may be
paid to
county
treasurer.

Clerk to
make en-
try there-
of.

Payment
to person
entitled,
how
made.

Trustees
may af-
firm acts
of former
trustees.
Provisions
of this act
substitut-
ed in
place of
former
laws.

Books,
&c., to be
delivered
to presi-
dent.

land and make the said alteration or improvement. On declaring the award the commissioners shall each be paid by the treasurer of the village three dollars per day for their services, and the amount so paid shall be collected by suit if not otherwise paid, with other proper expenditures made by and for the village in and about such appeal, on the bond referred to in this section, given by the person or persons appealing, in case the person or persons appealing are liable to pay the costs of the appeal under the provisions of this act. In all cases of appeal under this section, the judge to whom the appeal is made shall, by order, appoint guardians for any infant, lunatic or idiot interested in said proceedings.

§ 5. Whenever a final award is made for damages sustained by reason of making such alteration or improvement, the persons acting as assessors may, within twenty days thereafter, assess the amount of such damages upon the estates, real and personal, in said village, and make out an assessment roll of such damages, which assessment roll shall be signed by the president and filed with the clerk and be collected in the same manner as the annual tax is collected, and the trustees shall, within one year from the time of such final award, pay or tender the amount of such damage to the persons to whom the same shall have been awarded; and in case such owner shall refuse the same or be unknown, or a non-resident of said village, idiot or lunatic, or the rights and interests of persons claiming the same shall be doubtful, it shall in such case be lawful for the board of trustees to pay the amount of such damages to the county treasurer of the county where said lands are situated, for the benefit of such person or persons as may be entitled to the same, accompanied by a statement of the facts under which such payment was made. The board of trustees shall cause the clerk of said village to make an entry in the village records of the money deposited, stating amount, with the names of the parties by the awards declared to be entitled to the same. On the proper person or persons being ascertained, who are entitled to receive such money, the president of the village is authorized to draw an order on said county treasurer, countersigned by the clerk and payable to the order of the person or persons entitled to such money, for the amount due such person or persons. The board of trustees shall perform the duties of commissioners of highways without any compensation.

§ 6. The board of trustees of Bath-on-the-Hudson elected under this act are hereby authorized to affirm and sanction the acts of the board of trustees acting under the decision of the courts.

§ 7. The provisions of this act are hereby substituted in the place of the provisions of law constituting the incorporation of the present village of Bath-on-the-Hudson. Upon the election and qualifications of the officers of said corporation named in this act, the term of office of the respective officers of the present village of Bath-on-the-Hudson shall cease and be fully ended and the several persons so holding offices shall deliver all books, papers, property and effects relating to the present village of Bath-on-the-Hudson to the president elected under this act.

Chap. 326.

AN ACT to provide for improvements in and adjoining the first ward of Long Island City.

Passed May 5, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The powers, duties and terms of office of the commissioners of streets, roads, avenues and parks in Long Island City, appointed under chapter seven hundred and sixty-five of the laws of the State of New York of eighteen hundred and seventy-one, passed April twenty-sixth, one thousand eight hundred and seventy-one, entitled "An act to provide for the laying out of streets, avenues, roads and parks in Long Island City, as modified and amended by chapter eight hundred and fifty-nine of the laws of eighteen hundred and seventy-two," passed May twenty-fifth, eighteen hundred and seventy-two, entitled "An act to amend an act entitled 'An act to provide for the laying out of streets, avenues, roads and parks in Long Island City,'" passed April twenty-sixth, eighteen hundred and seventy-one, are hereby extended for a period not exceeding five years, for the purpose of improving the streets and avenues in the district in and adjoining the first ward of Long Island City, included within the following boundaries, namely :

Commencing at a point formed by the intersection of the westerly boundary line of said city in the East river with a line drawn parallel with Nott avenue and one hundred feet northerly therefrom ; thence easterly along the said line and parallel with Nott avenue as the same runs until said line intersects a line drawn parallel with and distant one hundred feet easterly from the easterly line of Vandam street ; thence southerly parallel with and one hundred feet easterly from Vandam street to the northerly line of Borden avenue ; thence southerly across and on a line drawn at right angles with Borden avenue to a point distant on said line one hundred feet southerly from the southerly line of Borden avenue ; thence westerly along a line parallel with and distant one hundred feet southerly from the southerly line of Borden avenue to a point distant on said line one hundred feet easterly from the easterly line of Van Alst avenue ; thence southerly parallel with and one hundred feet easterly from the easterly line of Van Alst avenue to the southerly boundary line of Long Island City on Newtown creek ; thence westerly along the southerly boundary of said city on Newtown creek to the westerly boundary of said city on the East river, and thence northerly along the said westerly boundary of said city to the place of beginning, as the several streets and avenues included within the boundaries aforesaid are laid down and designated on the commissioners' map of said city ; the said improvement district being substantially bounded on the west by the East river, on the north by a line one hundred feet north of Nott avenue and parallel thereto, on the east by lines one hundred feet east of Vandam street and Van Alst avenue, and drawn parallel thereto respectively, and on the south by Newtown creek and by a line one hundred feet south of Borden avenue and drawn parallel thereto ; and Hunter's Point avenue, Borden avenue, Jackson avenue and Vernon avenue, within the limits of said improvement district, shall severally be and are hereby declared to be public

Powers, duties and terms of office of commissioners of streets, &c., in Long Island City extended.

Purpose thereof.

Description of district within which streets and avenues are to be improved.

Certain avenues declared to be public streets.

streets of Long Island City, and as such shall fall within the provisions of this act.

Commissioners to grade, &c., the streets within the boundaries aforesaid.

Excluding certain streets or parts of streets.

Crosswalks and bridges.

Grading, &c., not to be done until title is obtained.

§ 2. Said commissioners are hereby authorized, empowered and directed to proceed with all possible dispatch to grade, sewer, pave or macadamize, curb, gutter and flag so much of each street and avenue laid down on the commissioners' map of said Long Island City, as is embraced within the boundaries aforesaid, including all streets and parts of streets laid out over any salt marsh, but excluding Tenth street from West avenue to the East river, and also excluding all parts of streets, except Front street, laid out over lands now being below low-water mark on the East river and Newtown creek; and also to lay crosswalks at all street intersections within the same limits, and to bridge any water necessary to be bridged, but no grading, sewerage, paving, macadamizing, curbing, guttering, flagging, or laying of crosswalks, shall be done on any street or avenue until after the title to that portion thereof so to be improved shall have been acquired by, and vested in, said city for the purposes of a street thereof, but said improvements shall be done on all such streets and avenues and parts of streets and avenues within said district upon such title being acquired thereto respectively.

Commissioners to estimate and certify to board of assessors the cost and expense of the grading, &c.

Commissioners may subdivide improvement district.

Each sub-district to be accurately described in certificate.

Amendment of certificate

Estimated cost, how to be assessed.

§ 3. Said commissioners shall estimate, ascertain and certify to the board of assessors of Long Island City, the cost, charges and expenses of the grading, sewerage, paving, macadamizing, curbing, guttering, flagging, bridging and laying of crosswalks, in this act provided for, including pay of surveyors, engineers, inspectors, counsel, clerks and other necessary expenses in and about the making of such improvements, with such certainty and particularity as said commissioners may deem necessary to enable said assessors to make a fair and equitable assessment of the expenses of making the improvements authorized by this act; and for the purpose of convenience in such certification, the commissioners may subdivide the improvement district into sections or sub-districts in such manner and of such extent as to them may seem fit, and each such certificate to the board of assessors shall relate to one of such sections or sub-districts, and shall certify the estimated expenses of such improvements within such section or sub-district covered by such certificate upon the property to be benefited by such improvements in such manner and form as will enable said assessors to determine the estimated amount and cost of the grading, paving or macadamizing, flagging, curbing, guttering and crosswalks, and also the proper and ratable proportion of the estimated cost of sewers and bridges, and of the incidental expenses of such improvements required for or justly chargeable to each lot within such section or sub-district. Every part of the improvement district shall be included in one of said sections or sub-districts, and each section or sub-district so constituting the subject of any certificate, shall be accurately bounded and described, and may embrace such streets and avenues, or such portions or sections of any street or avenue as the commissioners may see fit; and if, in the judgment of said board of assessors any such certificate shall not be sufficiently definite or specific, said commissioners shall, on the written request of said board, alter or amend the same from time to time as may be necessary. The estimated cost of such grading, paving, macadamizing, curbing, guttering and flagging, shall be assessed as nearly as may be upon the several lots in front of which the same shall be done; the estimated cost of crosswalks and of the paving, grading, curbing, guttering and flagging street and avenue intersections not in front of any lot shall be assessed upon the several lots in the

adjoining blocks, pro rata, according to the number of lineal feet of street or avenue frontage of such lots respectively ; and the proper and equitable proportion of the expense of all sewerage and bridging in the said improvement district, and also the proper and equitable proportion of all the incidental expenses of making the several improvements authorized by this act, shall be assessed upon the several lots, pieces or parcels of land within said improvement district according to the number of lineal feet of street or avenue frontage of such lots, pieces or parcels respectively, and irrespective of buildings thereon, but the area of assessment for the said paving, grading, curbing, guttering and flagging of any street or avenue in said improvement district in front of any lot or parcel of land shall extend to and embrace all the land (exclusive of streets) lying on each side and within one hundred feet of such street or avenue.

§ 4. Said assessors shall thereupon make up and sign an assessment roll in regard to and upon the property included within each one of said certificates so made by said commissioners in which each lot, piece or parcel of land within such section, or sub-district, exclusive of the streets, avenues and public places, shall be assessed for the payment of its proper and equitable proportion of all the expenses of said improvements and each such lot or parcel of land shall be distinctly described by such lot, ward or block numbers or other designations as may be best adapted to designate the same, together with the name of the owner of each parcel, if such name is known to or can be ascertained by said assessors, and if not known or cannot be ascertained then by the words "unknown owners," but no assessment shall be invalid by reason of any error or mistake in the owner's name as set down on said assessment roll ; said assessors shall thereupon cause a copy of said assessment roll to be made and deposited in the office of said commissioners (which office shall be in the first ward of Long Island City) for public inspection and examination, free of charge to any person assessed during all ordinary business hours for two weeks from the date of such deposit. It shall be the duty of said board of assessors to meet on every business day during the second* of said two weeks at the office of said commissioners to hear, consider and determine upon all objections to said assessments which may be made by the owner or by any person otherwise interested in any parcel of land so assessed, and to correct such assessments if found to be incorrect ; and notice of such deposit and of the time and place of the several meetings to hear objections and correct such assessments, shall be given by publication in all the newspapers published in said city, and in each issue of said newspapers respectively during the whole of said two weeks. At any of such meetings, every person owning or interested in any piece or parcel of land so assessed, may apply in writing to said assessors to correct said assessments in respect of the pieces or parcels of land owned by him, or in which he may be interested ; such application shall state the alleged error in the assessment and the facts and circumstances on which the claim for the correction is based, and shall be verified by the oath or affirmation of the applicant. After hearing all objections so made to said assessments within the time aforesaid, said assessors shall correct said assessment roll with all convenient speed, if the same shall require correction, and make a corrected and final assessment roll in the same form as the original roll hereinbefore prescribed. Said corrected and final assessment roll shall be certified by said assessors, or a majority of them to be the final and corrected assessment for all improvements pro-

Expense of sewerage and bridging.

Incidental expenses, how to be assessed.

Area of assessment for paving, &c., what to embrace.

Assessors to make and sign assessment roll.

Each lot to be distinctly described.

Name of owner.

Error in name not to invalidate.

Copy roll to be deposited in commissioners' office for public inspection. Meetings of assessors to hear and determine objections and correct assessment.

Application in writing to correct assessment.

Its contents.

Correction of roll.

Corrected roll to be certified.

* So in original.

To be proved or acknowledged.

To be filed.

When assessment becomes a lien.

Interest, rate of, &c.

Compensation of assessors.

No warrant to issue for collection of assessment.

When land may be sold for unpaid assessments.

Receiver of taxes or other officer, then charged with that duty to make sales.

Charges and expenses.

Application to court or officer to vacate, set aside or modify assessment roll.

Powers of the court.

May order corrections, or new roll to be made.

New roll, how and where to be filed.

Corrected roll a lien.

vide^d for by this act, and shall be duly proved or acknowledged by the several assessors, or a majority of them certifying the same, in the same manner and form as conveyances of real estate are required by law to be proved or acknowledged before being recorded, and shall be forthwith filed in the office of the treasurer and receiver of taxes of Long Island City, and from and after the day of the filing of any such assessment roll in said receiver's office, such assessment shall be a lien upon each lot, piece or parcel of land within the section or sub-district covered thereby to the extent of the amount assessed on such lot, piece or parcel, together with interest thereon, at and after the rate of ten per cent. per annum; such interest to commence to run three months after the filing of said assessment roll, and shall run until such assessment, with interest thereon as aforesaid, shall be fully paid. Said assessors shall each be paid three dollars per day for the time they are engaged in making any such assessment rolls, and the amount necessary therefor, not exceeding six hundred dollars in the aggregate for each assessor, for making all the assessment rolls for improvements authorized by this act, shall be included by the commissioners as part of the incidental expenses of said improvement.

§ 5. No warrant shall be issued or required for the collection of any assessments under this act; nor shall any warrant be issued for any sale of lands for non-payment of such assessments until ten years after the filing of such assessment roll; but all lots, pieces or parcels of land on which any assessment under this act shall remain unpaid on and after the day of the expiration of ten years after the filing of the assessment roll, affecting the section or sub-district in which the lot is located, shall be advertised and sold for the payment of such unpaid assessment; and such sale or sales shall be made by the receiver of taxes or other officer then charged by law with the duty of selling lands in said city for non-payment of city taxes and the proceedings for such sale, and such sale shall be the same and on the same notice and like terms; and said lots or parcels of land so sold may be redeemed, and in default of such redemption title thereto shall be given and perfected in the same manner, to the same extent and with the same force and effect; and the costs, fees, charges and expenses of such sale shall be the same as shall then be prescribed by law for the sale of lands in said city for non-payment of city taxes, without further action or legislation on the part of the common council or any other body. Should application in any form be made by any person to any court or officer having jurisdiction thereof, to vacate, set aside or modify any assessment roll or any assessment upon any lot or parcel of land assessed in any such roll, it shall be competent for such court or officer, if it shall appear that any error or irregularity affecting any substantial right exists in any such assessment roll, or in any assessment levied therein or thereby, to confirm so much of said assessment roll or assessment as shall not be irregular and make an order specifying any errors or irregularities, and directing the board of assessors of Long Island City to correct such assessment roll or such assessment, as to such errors or irregularities only, or should the whole assessment roll be found irregular, to make and file a new and corrected assessment roll, conforming with the directions of such order, which corrected or new roll, if made, shall be made and filed in the office of said treasurer, as of the day the assessment roll so corrected was originally filed therein, and thereupon such corrected assessment or assessments shall be a lien upon the several lots, pieces or parcels of land assessed, in the same manner and to the same extent and with the same force and effect as if so made originally. And the

acts and certificates of the said commissioners as affecting any assessments may be amended if irregularities be discovered therein, and the amended acts and certificates shall have the same force and effect as their original acts and certificates. And it is declared to be the intention of this act that the fullest power of amendment shall be vested in said commissioners and said assessors, so as to promote substantial justice in the matter of said assessments and in enforcing their lien and collection, so that no part of the property benefited by the improvements shall be exempted from paying its fair share of the expenses thereof, but that the whole of the said expenses shall be borne equitably by all.

Amendment of acts and certificates.

Intention of this act as to power of amendment.

§ 6. Any assessment made under the provisions of this act, may be paid to the treasurer and receiver of taxes of Long Island City at any time; and payments in sums of not less than twenty dollars may be made at any time on account thereof or of the accrued interest thereon, but all payments on account shall be first applied to the discharge of the accrued interest, and the residue, if any, of such payments shall be credited on account of the principal sum of such assessments respectively. The improvement certificates hereinafter provided for shall be receivable at all times at par and accrued interest in payment of any assessment under this act, and of the interest accrued thereon. All moneys received by said treasurer in payment of such assessments or interest shall be placed to the credit of the improvement fund, consisting of the amounts in the hands of the treasurer growing out of payments of said assessments, and interest, and shall be kept separate and apart from any other moneys in his hands, and no part of said fund shall ever be paid out by him, except for the purchase of such improvement certificates as provided in the seventh section of this act, or as is herein otherwise provided. Suitable books of account shall be kept by said treasurer showing the date and amount of every payment made to him on each lot, for or on account of the sum assessed or of the accrued interest thereon, and whenever the assessment on any lot shall have been paid in full with interest said treasurer shall enter on the assessment roll opposite to and on the same line with the entry of the assessment so paid the words "paid in full," with the date of such final payment, and from and after such entry such lot shall be free and discharged of and from the lien of such assessment.

Payment of assessments.

Improvement certificates receivable in payment of assessment.

Moneys to be kept separate.

Books of account to be kept by treasurer.

Discharge of lien.

§ 7. Whenever the treasurer of said city shall have not less than five thousand dollars in his hands to the credit of said improvement fund he shall give public notice by advertisement for at least one week in all the newspapers published in said city, and in each of such papers, that he will receive sealed proposals for the sale and surrender to him of such improvement certificates. Such notice shall specify the amount of money in his hands applicable to the purchase of such certificates and shall designate the time and place of receiving and publicly opening proposals. Blanks for such proposals shall be furnished by the treasurer on application of any party desiring to bid, on which shall be printed such rules and regulations as he may deem necessary and prescribe for making such biddings and awards. Such awards shall be made to the lowest bidder or bidders, but no bid for more than par and accrued interest shall be accepted, and the treasurer shall in all cases reserve the right to reject any and all bids not deemed for the public interests. All certificates received by him in payment of such assessments or accrued interest thereon or which shall be purchased and surrendered pursuant to the provisions of this section, shall be forthwith effectually

When treasurer to give notice that he will receive proposals for sale to him of improvement certificates.

Blanks to be furnished.

Awards to be made to lowest bidders.

Surrendered certificates to be cancelled.

Records to be kept.	and permanently cancelled and defaced, and suitable books and records shall be kept by said treasurer showing the number, amount and accrued interest of each certificate so received or purchased by him, the date of receiving or purchasing the same and the amount paid or allowed therefor, which books and records shall at all reasonable business hours be open to the inspection of any person holding any of said certificates and of any party assessed under the provisions of this act.
Grading, &c., to be done by contract.	§ 8 All grading, sewerage, paving, macadamizing, curbing, guttering flagging, bridging and setting of crosswalks, under this act, shall be done, and all materials requisite therefor, shall be furnished by contract or contracts founded on sealed bids or proposals made in compliance with public notice by advertisement, for at least ten days, in all the newspapers published in Long Island City, and in two daily newspapers published in the city of New York, and two published in the city of Brooklyn, specifying the time and place for receiving and publicly opening such proposals; and such contract or contracts, when awarded, shall be given to the lowest responsible bidder, giving adequate security satisfactory to said commissioners, but said commissioners shall have power to reject any bids not deemed by them to be for the public interests. Blank forms for such proposals shall be furnished by said commissioners on application of any party desiring to bid, on which shall be printed such rules and regulations as they shall deem necessary and prescribe for the protection of the public interests in the making and receiving of such proposals and in awarding contracts thereunder. All provisions in regard to sewers and sewerage in this act, are intended to embrace and include the necessary culverts, dirt catchers, receiving basins and all the appurtenances of a proper system of sewerage.
Notice.	
Contracts to be awarded to lowest bidders.	
Blank forms for proposals.	
Culverts, &c.	
Material for grading.	The proposals for grading shall require the use for that purpose of clean materials free from street dirt or any admixture calculated to produce discomfort or disease. All bids for grading shall be required to name separately the price per cubical yard of all filling to be delivered upon Jackson and Van Alst avenues, and west thereof; of all to be delivered between those avenues and Dutch Kills creek and canal, and of all to be delivered easterly of such creek and canal; and the contract shall be awarded to the bidder the aggregate of whose bid for all the grading shall be determined by the commissioners, or a majority of them, to be the lowest, and who shall give adequate security therefor satisfactory to them. The contract for grading shall require the delivery of at least three hundred thousand yards of filling each year, until completion. Should any contractor for any labor to be done or any materials to be furnished in or about the improvements herein provided for, fail to comply with the provisions of his contract, the commissioners shall have the right, in their option, to declare the contract void, and to advertise anew for carrying out the unfinished part of the contract, and to make a new contract, or new contracts therefor, until all the improvements shall be finished.
Bids to name separately price per yard for grading.	
To whom contract shall be awarded.	
Commissioners may declare contract void on failure to perform.	
Terms, conditions &c., of contracts.	All contracts shall contain such terms, conditions, provisions and restrictions as shall seem desirable to the commissioners for the proper security, safety and advantage of the property owners in regard to the work to be done or materials to be furnished thereunder.
Discretionary power of commissioners.	And the said commissioners shall have full discretionary power in the interest of the said property owners in the prosecution of the improvements in their dealings with all contractors and in enforcing all their rights against such contractors, to the end that the said improve-

ments shall be carried to completion in the most speedy, advantageous and economical manner.

§ 9. In order to pay the expenses of the grading, sewerage, paving, macadamizing, curbing, guttering, flagging, bridging and crossings, authorized and provided for by this act, together with all other costs, charges and expenses necessary and requisite for carrying on the work and completing the several improvements hereinbefore enumerated, said commissioners are hereby authorized, empowered and directed to issue, from time to time, as the work progresses, and as required by and under the contracts made by them, and for the necessary incidental expenditures of the commissioners, certificates of indebtedness, which certificates shall be known as the "Improvement certificates in Long Island City." Such certificates shall be paid out at par to contractors for payments falling due to them upon contracts for work done or materials furnished, as provided for herein, and the same may be also sold or negotiated at par by said commissioners, to obtain money for the payment of the incidental expenses necessary in and about the matter of their duties herein, and being all expenses incurred by them other than for labor done and materials furnished under written contracts. Such certificates shall be signed by the commissioners or a majority of them, and countersigned by the treasurer of Long Island City on the written requisition of said commissioners or a majority of them, and shall draw and bear interest at and after the rate of seven per cent. per annum from the date thereof. They shall be receivable at all times, at par and accrued interest in payment of any assessments laid under this act and of the accrued interest thereon and shall be payable with interest as aforesaid in the manner hereinabove provided, out of any moneys which shall come into said treasurer's hands to the credit of said improvement fund. They shall be payable to the party to or for whom they shall be issued or to bearer, and they shall pass by delivery, and shall be in the form to be determined and approved by said commissioners, and it shall appear upon them that they are issued under the provisions of this act. An accurate record shall be kept by said commissioners in a book to be prepared for that purpose, of all certificates issued by them, showing the numbers, dates and amounts of such certificates and to whom and for what purpose issued, respectively. And a similar record shall be kept by said treasurer of all certificates countersigned by him. No such certificate shall be valid for any purpose until countersigned by said treasurer; and on receiving any of said certificates in payment of assessments or interest, or by purchase, as hereinbefore provided, said treasurer shall cancel such certificate, and enter in separate columns on such record, opposite to and on the same line with the record of its issue, the date of its reception or purchase, the par value of such certificate, the accrued interest thereon up to that day, the amount of such principal and accrued interest, the rate per cent. of discount, if any, at which such certificate was received or purchased by him, the amount of such discount and the amount paid or allowed for such certificate on its reception or purchase, together with the name of the person or party from whom such certificate was received or purchased, which record shall at all times during reasonable business hours be opened to the inspection of all holders of such certificates and of all persons assessed under this act.

Certificates of indebtedness.

To be paid out at par to contractors.

May be sold.

How executed.

Interest.

Receivable at par in payment of assessments.

To be negotiable.

Their form.

Accurate record to be kept by commissioners.

Not valid, unless countersigned.

When treasurer to cancel. Entry to be made.

Record to be open to inspection.

The said commissioners, in making any contracts for the improvements hereinabove provided, shall reserve the right to pay the con-

Reservation in contracts.

tractor or contractors therefor by delivery of the certificates hereinbefore described.

Commis-
sioners
may re-
ceive
grants of
title.

Their
rights and
powers as
to streets,
&c.

May ap-
ply to
county
court or
supreme
court for
appoint-
ment of
commis-
sioners of
estimate.

§ 10. The said commissioners shall have power to receive, in behalf of Long Island City, any grants of title of any streets or avenues, or parts of streets or avenues within the said improvement district for purposes of public streets, and they shall have all the same functions, rights and powers in regard to any streets, avenues or public places within the improvement district hereinabove described as are now granted to the common council of Long Island City, by virtue of chapter two of title three of chapter four hundred and sixty-one of the laws of New York, of eighteen hundred and seventy-one, entitled "An act to revise the charter of Long Island City," and shall have power to make application to the county court of Queens county or to the Supreme Court of the State of New York, at a special term thereof to be held in Queens county, for the appointment of commissioners of estimate and assessment to open, widen, straighten or alter any street, avenue or public place, and to forward, carry out and complete all proceedings for such opening, widening, straightening or altering, irrespective of sections one and two of said chapter two of title three of chapter four hundred and sixty-one of laws of eighteen hundred and seventy-one, and except in cases requiring the removal of buildings now standing, without necessity for any petition or any proceeding under said two sections.

When all
certifi-
cates to be
paid off.

Excess of
improvement
fund to be paid
into city
treasury.

Owners to
have credit
therefor upon
such taxes.

Commis-
sioners to
keep min-
utes.

Quorum.

Report to
mayor,
when to
be made.

Mayor
may in-
crease
number of
commis-
sioners.

One must
be a civil
engineer.

Their
powers
and du-
ties.

§ 11. Upon the completion of the sales for the non-payment of the assessments levied, as hereinabove provided, of the lots and parcels of land in said improvement district, after the expiration of ten years from the filing of the assessment rolls, all the certificates issued by the said commissioners shall be paid off, and if there be any excess to the credit of said improvement fund in the hands of the treasurer, it shall be paid into the city treasury, in payment of city taxes upon the property assessed hereunder, within said improvement district, in proportion to the amount assessed upon each lot or parcel of land respectively, and the owner of each lot or parcel of land shall have credit therefor upon such taxes.

§ 12. The said commissioners shall act as a board of commissioners, and shall keep minutes of all their meetings and proceedings, and the majority of them shall constitute a quorum for transacting business, and the vote or concurrence of such majority shall be necessary for the transaction of any business and the execution of all contracts, certificates, and all other documents or instruments, and they shall make on or before the first Monday of February, in each year, a report to the mayor of Long Island City of their proceedings during the year ending on the thirty-first day of December previously. The mayor of Long Island City may increase the number of said commissioners to five by the appointment of two other commissioners to be added to their number, provided such two others be residents and owners of real estate within the said district, and that one of such additional commissioners shall have a practical knowledge of civil engineering and surveying, and any such additional commissioners shall, in respect of the matters provided for in this act, but not otherwise, have the same powers and duties and be subject to the same provisions and restrictions in all respects as the other commissioners and as if they had been originally designated in the act passed May twenty-fifth, eighteen hundred and seventy-two, entitled "An act to amend an act entitled 'An act to provide for the laying out of streets, avenues, roads and parks in Long Island City,'" passed April twenty-sixth, eighteen

hundred and seventy-one. Upon the occurrence of any vacancy by the death, resignation or other disability of any of said commissioners the remaining commissioners shall discharge the duties hereby imposed until such vacancy is filled by the mayor of Long Island City. The said commissioners and those who shall fill any vacancies or who shall be appointed as hereinbefore provided shall not receive any compensation for the performance of any duties under this act, from the city treasury, but shall be paid out of the said improvement fund, namely, to the two additional commissioners, should such commissioners be appointed, one thousand dollars a year, each, to commence from the date of their appointment, and to the three original commissioners, or such as shall be selected to fill vacancies in their number, the same salaries as now received by them; to commence when their salaries as city survey commissioners shall cease; but shall be confined to the receipt of their salaries under the said acts last above referred to during the term of their continuance as survey commissioners under said acts or any act or acts amending or affecting the same.

In case of vacancy, remaining commissioners to act till vacancy is filled.

Commissioners to receive no compensation out of city treasury.

Salaries of original commissioners.

§ 13. The treasurer of Long Island City, and his sureties, shall be liable on his official bonds to Long Island City, given after the passage of this act for the faithful discharge of the several duties imposed by this act, and for all moneys which shall come into his hands, under and pursuant to the provisions hereof, and such liability may be enforced in the name of said city for the benefit of whom it may interest or concern, in the same manner and to the same extent and with the same force and effect in all respects as in the case of any city moneys which may come into his hands, or of any duty devolved by law upon said treasurer.

Liability of treasurer and his sureties.

§ 14. Said commissioners are hereby empowered to authorize any contractor for grading, sewerage or paving the streets and avenues in said improvement district, to lay rails over and along any street or avenue in the first and second wards of said city, and to run cars thereon, drawn by horses or steam or dummy engines, for the purpose of hauling dirt, sand or other material for such grading, sewerage or paving purposes, for such limited period of time and under such rules, regulations and restrictions as the said commissioners may prescribe.

Commissioners may authorize the laying of rails, &c. by contractors.

§ 15. All grading and sewerage done under the provisions of this act, shall be done in accordance with and conform to the grades and plans for sewerage established or to be established according to law by said commissioners of streets, roads, avenues and parks, and said commissioners may authorize the owner or occupant of any lot or lots to grade, pave, flag, curb and gutter his own front, under their supervision, and upon the completion of such grading, paving, flagging, curbing and guttering, or either of them, to the satisfaction and approval of said commissioners, or their engineer, the person or persons doing the same, shall be credited by the treasurer with such equitable and ratable proportion of the amount assessed upon the several lots in front of which such improvements shall be made as aforesaid, as may be just, and as shall be agreed upon by and between said commissioners and the party assessed, which amount, together with a description of the lots to be so credited shall be certified to said treasurer by said commissioners or a majority of them, and by the party or parties in interest claiming such credit. Except in so far as it may be necessary or desirable for the contractor or contractors for the transportation of earth or other material, the said commissioners shall commence the said improvements on the westerly part of the said improvement district, and shall, as far as possible, first complete the same and lay the assessments therefor upon that

Grading and sewerage, how to be done.

Owners of lots may be authorized to flag, curb, &c.

To be credited therefor.

Amount, &c. to be certified by commissioners and party in interest.

Improvement to commence on

westerly
part of dis-
trict.

portion thereof west of and including Jackson avenue and Van Alst avenue, and next thereafter complete the same and lay the assessments therefor upon the property between those avenues and Dutchkills creek and canal, and shall subsequently complete the same and lay the assessments upon the residue of the improvement district.

Official
oath.

§ 16. All officers upon whom any duty devolves under the provisions of this act shall take the proper constitutional oath of office.

Repeal.

§ 17. All laws and parts of laws inconsistent with the provisions of this act, or of any of its provisions, are hereby repealed in so far as they relate to affect the same.

§ 18. This act shall take effect immediately.

Chap. 327.

AN ACT to suppress intemperance and to regulate the sale of intoxicating liquors in the county of Westchester.

Passed May 6, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

County
Judge to
appoint
commis-
sioners of
excise and
classify
them.

SECTION 1. There shall be appointed on the second Tuesday of May next by the county Judge of Westchester county, three reputable freeholders residents of said county, who shall be commissioners of excise in and for said county and shall be known as the board of commissioners of excise of the county of Westchester. The said county judge shall divide the said commissioners into three classes by lot. The commissioner assigned to the first class shall hold his office until the first day of January, eighteen hundred and seventy-seven, the commissioner in the second class until the first day of January, eighteen hundred and seventy-nine, and the commissioner in the third class until the first day of January, eighteen hundred and eighty-one ; and one commissioner in every two years hereafter, as the term of office shall expire, shall be appointed on the second Tuesday of May in each year by said county judge, who shall hold his office for six years from the first day January following his appointment. In case of a vacancy by death or otherwise in the board of commissioners, such vacancy shall be filled by the said judge for the unexpired term of such commissioner. Every commissioner before he shall enter upon his duties shall take and subscribe the oath prescribed by section one, article twelve of the Constitution, and shall be entitled to receive the sum of five dollars per day for services actually performed, to be allowed and paid in like manner as other county charges, and no other or greater compensation shall be allowed.

Their
terms of
office.

One to be
appointed
every
two years
thereaf-
ter.

Vacancy,
how filled.

Official
oath.

Compen-
sation.

Meetings
of commis-
sioners.

May grant
licenses to
innkeep-
ers, &c.

To store-
keepers
and drug-
gists.

§ 2. The said commissioners of excise shall meet at the place where the county court is required to be held, on the third Tuesday of May in each year, and on such other days as a majority of the commissioners shall appoint, not exceeding twenty-five days in any one year, for the purpose of granting licenses as hereinafter provided. They shall have power to grant licenses to keepers of inns, taverns, hotels or restaurants being residents of the town or city where such inn, tavern, hotel or restaurant is proposed to be kept, to sell strong and spirituous liquors and wines to be drank in their houses respectively ; and to storekeepers or druggists being such residents a license to sell such liquors and wines in quantities less than five gallons, but not to be drank in their shops, houses, out-houses, yards or gardens ; and they shall have power to

determine the sum to be paid for a license by each person applying, which sum shall be not less than thirty dollars nor more than one hundred dollars, except in case of druggists, which shall not be less than ten dollars. It shall not be lawful for druggists having such license to sell strong and spirituous liquors, except upon the prescription of a practising physician.

Sum to be paid for license.
Druggists, how to be licensed.

§ 3. All licenses shall be signed by the commissioners, or a majority of them, granting the same. They shall not be issued until the requirements fixed by the board shall have been complied with. When issued they shall be in force unless revoked, until ten days after the third Tuesday of May next succeeding the granting of such license.

Licenses, how to be signed and when to be issued, &c.

§ 4. It shall be the duty of all courts of said county, having criminal jurisdiction, to instruct grand jurors to inquire into all offenses against the provisions of this act, and to prevent* all offenders under this act, and also all persons who may be charged with adulterating imported or other intoxicating liquors with poisonous or deleterious drugs or mixtures, or selling the same, or with knowingly importing or selling intoxicating liquors or wines adulterated with poisonous or deleterious drugs or mixtures, which offenses are hereby declared to be misdemeanors, to be punished by imprisonment in the county jail of said county for a period not exceeding three months, or by a fine not exceeding one hundred dollars, or by both such fine and imprisonment, in the discretion of the court.

Courts to instruct grand jurors to inquire into all offenses against this act.
Adulteration of liquors or wines, &c.

§ 5. The provisions of the act entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," passed April sixteenth, eighteen hundred and fifty-seven, except where the same are inconsistent or in conflict with the provisions of this act, shall be taken and construed as a part of this act, and be and remain in full force and effect in the said county of Westchester, and every part thereof.

Misdemeanors.

Act of April 16th, 1857, to be taken as part of this act.

§ 6. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Repeal.

§ 7. This act shall take effect immediately.

Chap. 328.

AN ACT authorizing the recording of a certain indenture made between Thomas Mesnard and Simon Schermerhorn, of the city of New York.

Passed May 6, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The owner or owners of all that parcel of ground and message, or tenement, described in an indenture between Thomas Mesnard and Simon Schermerhorn, both of the city of New York, on the third day of April, in the year of our Lord one thousand seven hundred and eighty-eight, are hereby authorized to record the said indenture in the register's office of the city and county of New York, with the same effect as if the said indenture had been properly authenticated.

Deed may be recorded.

§ 2. Nothing herein contained shall be construed to impair any right, claim or interest of any heir-at-law, purchaser or creditor by mortgage,

Provided

westerly portion thereof west of and including Jackson avenue and Van Alst avenue, and next thereafter complete the same and lay the assessments therefor upon the property between those avenues and Dutchkills creek and canal, and shall subsequently complete the same and lay the assessments upon the residue of the improvement district.

Official oath. § 16. All officers upon whom any duty devolves under the provisions of this act shall take the proper constitutional oath of office.

Repeal. § 17. All laws and parts of laws inconsistent with the provisions of this act, or of any of its provisions, are hereby repealed in so far as they relate to affect the same.

§ 18. This act shall take effect immediately.

Chap. 327.

AN ACT to suppress intemperance and to regulate the sale of intoxicating liquors in the county of Westchester.

Passed May 6, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

County Judge to appoint commissioners of excise and classify them.

Their terms of office.

One to be appointed every two years thereafter.

Vacancy, how filled.

Official oath.

Compensation.

Meetings of commissioners.

May grant licenses to innkeepers, &c.

To store-keepers and druggists.

SECTION 1. There shall be appointed on the second Tuesday of May next by the county Judge of Westchester county, three reputable freeholders residents of said county, who shall be commissioners of excise in and for said county and shall be known as the board of commissioners of excise of the county of Westchester. The said county judge shall divide the said commissioners into three classes by lot. The commissioner assigned to the first class shall hold his office until the first day of January, eighteen hundred and seventy-seven, the commissioner in the second class until the first day of January, eighteen hundred and seventy-nine, and the commissioner in the third class until the first day of January, eighteen hundred and eighty-one; and one commissioner in every two years hereafter, as the term of office shall expire, shall be appointed on the second Tuesday of May in each year by said county judge, who shall hold his office for six years from the first day January following his appointment. In case of a vacancy by death or otherwise in the board of commissioners, such vacancy shall be filled by the said judge for the unexpired term of such commissioner. Every commissioner before he shall enter upon his duties shall take and subscribe the oath prescribed by section one, article twelve of the Constitution, and shall be entitled to receive the sum of five dollars per day for services actually performed, to be allowed and paid in like manner as other county charges, and no other or greater compensation shall be allowed.

§ 2. The said commissioners of excise shall meet at the place where the county court is required to be held, on the third Tuesday of May in each year, and on such other days as a majority of the commissioners shall appoint, not exceeding twenty-five days in any one year, for the purpose of granting licenses as hereinafter provided. They shall have power to grant licenses to keepers of inns, taverns, hotels or restaurants being residents of the town or city where such inn, tavern, hotel or restaurant is proposed to be kept, to sell strong and spirituous liquors and wines to be drank in their houses respectively; and to storekeepers or druggists being such residents a license to sell such liquors and wines in quantities less than five gallons, but not to be drank in their shops, houses, out-houses, yards or gardens; and they shall have power to

determine the sum to be paid for a license by each person applying, which sum shall be not less than thirty dollars nor more than one hundred dollars, except in case of druggists, which shall not be less than ten dollars. It shall not be lawful for druggists having such license to sell strong and spirituous liquors, except upon the prescription of a practising physician.

Sum to be paid for license.
Druggists, how to sell.

§ 3. All licenses shall be signed by the commissioners, or a majority of them, granting the same. They shall not be issued until the requirements fixed by the board shall have been complied with. When issued they shall be in force unless revoked, until ten days after the third Tuesday of May next succeeding the granting of such license.

Licenses, how to be signed and when to be issued, &c.

§ 4. It shall be the duty of all courts of said county, having criminal jurisdiction, to instruct grand jurors to inquire into all offenses against the provisions of this act, and to prevent* all offenders under this act, and also all persons who may be charged with adulterating imported or other intoxicating liquors with poisonous or deleterious drugs or mixtures, or selling the same, or with knowingly importing or selling intoxicating liquors or wines adulterated with poisonous or deleterious drugs or mixtures, which offenses are hereby declared to be misdemeanors, to be punished by imprisonment in the county jail of said county for a period not exceeding three months, or by a fine not exceeding one hundred dollars, or by both such fine and imprisonment, in the discretion of the court.

Courts to instruct grand jurors to inquire into all offenses against this act.
Adulteration of liquors or wines, &c.

§ 5. The provisions of the act entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," passed April sixteenth, eighteen hundred and fifty-seven, except where the same are inconsistent or in conflict with the provisions of this act, shall be taken and construed as a part of this act, and be and remain in full force and effect in the said county of Westchester, and every part thereof.

Misdemeanors.
Act of April 16th, 1857, to be taken as part of this act.

§ 6. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Repeal.

§ 7. This act shall take effect immediately.

Chap. 328.

AN ACT authorizing the recording of a certain indenture made between Thomas Mesnard and Simon Schermerhorn, of the city of New York.

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The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The owner or owners of all that parcel of ground and messuage, or tenement, described in an indenture between Thomas Mesnard and Simon Schermerhorn, both of the city of New York, on the third day of April, in the year of our Lord one thousand seven hundred and eighty-eight, are hereby authorized to record the said indenture in the register's office of the city and county of New York, with the same effect as if the said indenture had been properly authenticated.

Deed may be recorded.

§ 2. Nothing herein contained shall be construed to impair any right, claim or interest of any heir-at-law, purchaser or creditor by mortgage,

Proviso.

ceived, to be paid to the city comptroller.

Sale of lands.

taxes of the towns of Morrisania and West Farms, and the collector of taxes of the town of Kingsbridge were made, in the year eighteen hundred and seventy-three, to the county treasurer of the county of Westchester, shall, as the same are received by him, be paid over and accounted for to the comptroller of the city of New York, and the said county treasurer is hereby authorized to take the same proceedings for the sale of lands for such unpaid school taxes, and to sell the same, in the manner heretofore provided by law for such proceedings and sales, in the county of Westchester, and all moneys so received by said comptroller shall be applied by him to the general school purposes of said city, and all taxes which shall have at any time been received by said county treasurer for unpaid school taxes in the aforesaid towns, prior to the year eighteen hundred and seventy-three, or which shall at any time thereafter be received or collected by him, and not accounted for by him, shall be paid over and accounted for to the comptroller of the city of New York, to be applied by him as aforesaid.

§ 5. Section five of said act is hereby amended so as to read as follows:

Sixth police justice district.

Appointment of police justice.

§ 5. The territory hereby annexed is constituted and declared to be a police justice district, to be called and known as the sixth police justices' district of the city of New York. A police justice for such district shall be appointed in the same manner as shall be prescribed by law for the appointment of police justices for the city of New York, and such justice shall have the same powers and be subject to all the provisions of law applicable to other police justices of the city and county of New York. It shall be the duty of the mayor of the city of New York, on or before the fifteenth day of December, eighteen hundred and seventy-three, to nominate to the board of aldermen of said city a police justice for the police justice's district of said city created by this act, and thereafter the office of police justice of such district shall continue to be filled in the manner provided by law. The

Tenth judicial district.

Justice of district court to be elected.

Tenure of office and compensation.

Appeals.

territory hereby annexed is constituted and declared to be the tenth judicial district of the city of New York, in which there shall be held a court denominated the district court of the tenth judicial district of said city, and at the next general election there shall also be elected for the said district a justice of the said district court, which justice and the said district court shall have the same powers and be subject to all the provisions of law applicable to other justices of the district courts and to other district courts in said city of New York. The tenure of office for the police and district court justices provided for by this section, and their compensation, shall be the same as that of other police and district court justices appointed or elected in the city of New York, to commence on the first day of January succeeding their appointment or election; and appeals shall be allowed from all judgments rendered in the said district court and also from all judgments rendered by the courts of justice of the peace, in said annexed territory, in like manner and to the same court as appeals are now allowed from judgments rendered in the district courts of said city.

§ 6. Section six of said act is hereby amended so as to read as follows:

Municipal officers to be elected.

§ 6. At the election of municipal officers of the city of New York, and of the several wards thereof, which shall be held after the passage of this act, there shall be elected in the said twenty-third and twenty-fourth wards such municipal and other officers as may be by law voted for and elected in each of the other wards of said city under and by virtue of the charter of said city, and the laws applicable to elections

in said city, or in said city and county, which shall then be in force. The voters of said wards are authorized and empowered to vote for any officer of said city who may be authorized to be elected at large for said city. The votes so given shall be canvassed and returned in the same manner and with like effect as the votes given for officers to be elected at large in said city. School trustees and inspectors shall be appointed for the wards and districts embraced in said annexed territory as provided by law for the city of New York.

§ 7. Section seven of said act is hereby amended so as to read as follows:

§ 7. The several officers now elected, qualified and acting as officers of said towns of Morrisania, West Farms and Kingsbridge, under existing laws, shall continue to act as such, with all their present powers, until the thirty-first day of December, eighteen hundred and seventy-three, except so far as the same may be limited or extended by any of the provisions of this act. The receivers of taxes of said towns of Morrisania and West Farms, and the collector of taxes of the town of Kingsbridge, shall continue, in the manner provided by the law under which they were elected, in the execution of their duties until they shall have collected the taxes authorized by the board of supervisors of the county of Westchester to be levied, at their annual session, commencing in the year eighteen hundred and seventy-three, and until said receivers and collector shall have made their returns thereof as provided by law; except that such receivers of taxes and collector of taxes shall pay over all taxes collected by them to the supervisors of their respective towns, except such portion thereof as by law shall be required to be paid to the treasurer of the county of Westchester, and such portion they shall pay to such treasurer, and of such portions so to be paid to such treasurer the amount authorized to be collected in the town of West Farms for unpaid gas taxes or assessments when collected and received by said treasurer shall be applied by him to the satisfaction and discharge of all audited claims for the payment of which said gas taxes and assessments were imposed upon property in the said town of West Farms. And all moneys paid to the supervisors of the towns of Morrisania, West Farms and Kingsbridge by such receivers of taxes and collector of taxes, shall be applied by them to the satisfaction and discharge of the obligations incurred by their respective towns in anticipation of the collections of taxes. The said receivers of taxes and collectors of taxes shall make their returns to said county treasurer the same as heretofore, except as herein otherwise provided, and shall also at the same time deliver duplicate returns to the comptroller of the city of New York. All sales of land for unpaid taxes levied in any year prior to eighteen hundred and seventy-four shall be made by the treasurer of the county of Westchester, the same as if this act had not been passed. To facilitate the collection of assessments levied or to be levied for any local or public improvement which has been authorized in either of said towns prior to the first day of January, eighteen hundred and seventy-four, where proceedings were commenced prior to said first day of January, eighteen hundred and seventy-four, the comptroller of the city of New York is hereby authorized to appoint a person specially to collect the same, who is hereby authorized to demand and receive from any person whomsoever, having possession or control of the same, all assessment rolls for assessments levied or to be levied for any local or public improvement in either of said towns upon which any assessment shall remain unpaid and be uncollected, from and after the thirty-first day

Existing town officers.

Receivers of taxes, &c.

To make returns.

Sales of land for unpaid taxes to be made by county treasurer.

Comptroller may appoint person to collect certain assessments.

of December, eighteen hundred and seventy-three. He shall be entitled to collect and receive for his compensation for making such collections one per cent. during the first thirty days following the first publication of the notice of collection, and five per cent. upon the amounts collected by him thereafter, which commission shall be added to and collected with such assessments. Such collector of assessments is hereby authorized and directed, in each case wherein assessments have been or shall be levied for any local or public improvement which has been authorized in either of said towns prior to the first day of January, eighteen hundred and seventy-four, when the same shall be due or shall become due, to cause, within thirty days after the passage of this act, or as soon thereafter as such assessment shall become due, notice to be given to the owners of the property which is now subject to any of such assessments, by advertisements once a week for four weeks in the "City Record," published in the city of New York, or other newspaper to be designated by the comptroller, and in the Westchester Times, published in the territory formerly constituting the town of Morrisania, requiring the said owners to pay to him the amounts of such respective assessments remaining unpaid, together with interest thereon, after thirty days from the date of such confirmation, and said commission, within thirty days after the first publication of such notice. In all cases where payment of such assessment shall not be made by the owner, or other person or persons interested in said property, the said collector shall cause to be published in the Westchester Times published in the territory which formerly constituted the town of Morrisania, and in the "City Record" of New York city, or other newspaper published in the city of New York, to be designated by the comptroller of said city, a notice requiring the payment within sixty days from the first publication of such notice of the assessment levied or imposed, with interest at twelve per cent. per annum after thirty days from the date of confirmation to the time of payment, and with the commission hereinbefore provided, and the charges of such notice and advertisement, to said collector. Such notice shall contain the name or names of the person or persons against whom the assessment was made, a description of the property, the amount required to be paid, the place where said amount will be received, and a notice that if default be made in such payment that the property, which is the subject of such assessment, will be sold at public auction, at a time and place therein to be specified, for the lowest term of years at which any person or persons shall offer to take the same, in consideration of advancing such assessment, commission, interest, charges of notice and advertisement, and all other costs and charges of said sale accrued thereon; and the proceeds of such sale shall be applied to the payment of such assessment and commission of the collector, and the charges of such notice and costs and charges of such sale accrued thereon. At the time and place stated in said notice, all the property which shall have been the subject of such assessments and upon which said collector shall certify the said assessment to be unpaid, shall be sold at public auction at the time and place designated in such advertisement, under the direction of the said collector of assessments, to the person who shall offer to take the same for the least number of years in consideration of advancing the amount of such assessment, commission, interest, charges of notice and advertisement, and all other costs and charges of said sale accrued thereon. At such sale the said property which shall be sold shall be struck off as aforesaid, and a certificate of such sale shall be made to such purchaser by the said collector, duly executed and

Compensation.

Notice requiring payment of assessments.

Collector to publish further notice.

Interest.

Notice, what to contain.

Sale of property assessed by collector of assessments.

Certificate of sale may be recorded.

acknowledged by him, which said certificate is hereby authorized to be recorded in the office of the register of the city and county of New York, and shall be prima facie proof of the regularity of such sale and of all proceedings connected with such assessment and such sale. All proceedings which have heretofore been taken by the treasurer of the board of trustees of the town of Morrisania for sales of land for unpaid assessments shall be continued and conducted to their termination by the collector of assessments herein directed to be appointed, and the lands so to be sold shall be sold by said collector under the notice heretofore given in the same manner and to the same effect as if said lands had been sold by the treasurer of the board of trustees of the town of Morrisania, pursuant to the act to create the board of trustees of the town of Morrisania, in the county of Westchester, and to define their powers, and the acts amendatory thereof. At any time within two years from and after the day of such sale any owner or owners of the premises sold as aforesaid shall be permitted to redeem the same, by payment to the comptroller of the city of New York of the amounts which shall have been paid for the purchase of any lands which may have been sold for such assessments, together with interest on said amounts at the rate of twelve per cent. per annum. At the expiration of the time herein provided for the redemption of the lands sold under the proceedings herein provided, the purchaser or purchasers at such sale, or their assigns, shall be entitled to receive a lease for the premises so purchased which lease shall be duly executed, acknowledged and delivered to said purchaser or his assigns by the person or persons, and in the manner now provided by law for the leasing of premises sold for unpaid taxes or assessments in the city and county of New York. At the time of such sale all lands which shall be offered for sale and for which no purchaser is obtained shall be sold in behalf of and to the city of New York for the amount of the assessments and charges accrued thereon, and the several amounts so due shall be paid by the comptroller of the city of New York out of the contingent fund of said city, and such moneys shall be applied by the comptroller to the payment of the obligations for which such assessments were levied; and the city of New York shall have the same rights and shall perform the said duties concerning the redemption of the lands so sold in its behalf as are devolved upon an individual by the provisions of this section. All provisions of law in relation to mortgagees or infants, or other persons under disability, owning property subject to assessments under the existing laws in the city of New York, are hereby made applicable to the aforesaid assessments and to the redemption of the land from sales for the same. In all cases where lands within the territory hereby annexed, have been heretofore, or may hereafter be, sold by the county treasurer of Westchester county for unpaid taxes, and which lands have been bid in by said treasurer in the name of the respective towns constituting the annexed territory, and said towns have become entitled to a certificate of sale, lease or leases of said lands, such certificate of sale, lease or leases shall be executed, and delivered by said county treasurer to the comptroller of the city of New York, and the said comptroller is hereby authorized and empowered to assign such certificates of sale, lease or leases to the owner or owners of the lands which have been sold as aforesaid, upon such owner or owners paying to him the amount of such tax and interest as provided by the laws under which such sales were made, together with all charges accrued thereon, and the moneys so received shall be paid by the comptroller to the contingent fund of said city. All lands heretofore sold in said annexed territory for unpaid assessments,

Proceed-
ings al-
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be contin-
ued.

Redemp-
tion.

Lease.

Lands of-
fered for
sale, and
no pur-
chaser ob-
tained to
be sold to
the city.

Provi-
sions as to
mort-
gages, in-
fants, &c.

When
towns
have be-
come en-
titled to
certificate
of sale,
&c., the
same to
be deliv-
ered to
the city
comptrol-
ler.
Lands
heretofore
sold and

bid in by towns to be the property of the city.

Collector's bond.

Collector to pay all moneys received to comptroller.

Engineer to be appointed.

His duties.

Park commissioners may extend time for completion of improvements.

Contracts and specifications to be filed.

Certificates of commissioners.

Comptroller may issue bonds.

Board for revision, &c., of as-

and bid in by said towns, or the authorities thereof, shall be the property of the mayor, aldermen and commonalty of the city of New York, and shall, in like manner, be conveyed by said comptroller on the owners of said lands paying the amounts respectively for which the lands were sold, with interest thereon at twelve per cent. per annum, from the date of such sale, together with the expenses of such conveyance. The collector of assessments, appointed in pursuance of the provisions of this act, shall be required to, and shall execute and deliver to the comptroller of the city of New York, a bond, with sureties, in an amount to be approved by said comptroller, conditioned for the payment of the moneys collected and received by him in pursuance of the provisions of this act, and for the faithful performance of his duties as such collector of assessments. The said collector of assessments shall, after deducting his commissions therefrom, pay all moneys received and collected by him under the provisions of this act, to the comptroller of the city of New York, who shall pay and apply the same to the purposes of the improvements authorized by law for which such assessments were levied and collected. The commissioners of the department of public parks are hereby authorized to appoint a suitable engineer, whose duty it shall be to examine and inspect the work done upon any improvement in the territory formerly constituting the town of Morrisania, in pursuance of any proceedings authorized by the board of trustees of the town of Morrisania prior to the first day of January, eighteen hundred and seventy-four. He shall certify in writing to the commissioners of the department of public parks, from time to time, the amount of work completed on the respective improvements in said territory, and the several amounts due thereon according to his measurements and according to the terms of the contracts heretofore made between the said board of trustees and the contractors for making said improvements. The said commissioners of the department of public parks are hereby authorized to extend the time for the completion of any of the improvements authorized under said contracts whenever, in their judgment, such extension may be deemed necessary or expedient. The supervisor of the town of Morrisania shall cause to be filed with the said commissioners of the department of public parks the contracts and specifications, together with the obligations of the sureties for the faithful performance of the work of which such contracts were awarded. The said commissioners of the department of public parks shall examine, audit, and if they approve the work and amounts certified to by said engineer, they shall deliver to the said contractors, certificates in which they shall state the amounts due, respectively, to said contractors, upon the improvements under their charge, according to the terms of their several contracts, as shown by the certificates of the engineer appointed by said commissioners. In all cases where proceedings have, in pursuance of law, been authorized by the board of trustees of the town of Morrisania prior to the first day of January, eighteen hundred and seventy-four, for any local or public improvement, and where contracts in good faith have been awarded for the same, and an assessment shall have been levied and confirmed for said improvements, the comptroller of the city of New York is hereby authorized in pursuance of the laws relating to assessments in and the issuing of assessment bonds of the city of New York, now in force, to issue assessment bonds, in anticipation of collection of assessments for such improvements; and he is hereby authorized to negotiate the same, and to apply the proceeds thereof to the purposes of said improvements. The board for the revision and correction of assessment list of the city of New York, as con-

stituted by law, shall perform all the duties and have all the powers heretofore imposed upon the board of trustees of the town of Morrisania, or any officer thereof, prior to the first day of January, eighteen hundred and seventy-four, for the purpose of revising, correcting and confirming all assessments for local or public improvements authorized under proceedings commenced by said board of trustees prior to January first, eighteen hundred and seventy-four. Any rights existing or arising from any suits at law pending at the time of the passage of this act shall not be affected by any of the provisions of this section.

se. sment
list, its du-
ties and
powers.

§ 8. Section eight of said act is hereby amended so as to read as follows:

§ 8. All the provisions of law, now applicable to public instruction in the towns of Morrisania, West Farms and Kingsbridge, not inconsistent with the provisions of the fourth section of this act, shall continue and remain in force until the first day of January, eighteen hundred and seventy-four, and from and after that time the territory hereby annexed, and the inhabitants and estates therein shall be subject to every provision of law applicable to the board of education of the city of New York then in force in the city and county of New York, and no other, and upon the first day of January, eighteen hundred and seventy-four, the treasurers of the boards of education in the territory hereby annexed, shall account to the board of education of the city of New York for the several sums of money which they shall have received as such treasurers, and shall pay over to said board of education all balances remaining in their hands. All books, records and documents in the possession of the boards of education of said towns shall become the property of the board of education of the city of New York, and shall be delivered into their possession by the secretaries of the respective boards of education of said towns. All debts and obligations of the several boards of education in either of said towns are hereby charged upon and declared to be the debts and obligations of the mayor, aldermen and commonalty of the city of New York, and the board of education of the city of New York shall audit and examine and the comptroller shall pay all the obligations of the several boards of education existing in either of said towns and which have been thus audited and examined and which shall have been legally incurred prior to the first day of January, eighteen hundred and seventy-four, the payment of which is not otherwise provided for by law.

Laws ap-
plicable
to public
instruc-
tion.

§ 9. Section nine of said act is hereby amended so as to read as follows:

§ 9. All the public property of the towns of Morrisania, West Farms and Kingsbridge, as well as the property now vested in the boards of education of said towns, shall be vested in and is hereby declared to be the property of the mayor, aldermen and commonalty of the city of New York, and the mayor, aldermen and commonalty of the city of New York shall succeed to all the rights, claims, causes of action, rights to uncollected taxes, liens, uses, trusts, duties, privileges and immunities of said towns of Morrisania, West Farms and Kingsbridge, and the mayor, aldermen and commonalty of the city of New York shall be entitled to receive, hold to account, and by proper legal and equitable remedies, compel the payment of all and every moneys of which disposition is not otherwise made by the provisions of this act, now in the hands or hereafter to come into the hands of any public officer or deputy or agent thereof, exercising authority in any of said towns hereby annexed to said city of New York, arising from any

Public
property.

assessment tax or otherwise heretofore made and levied in said towns or either of them; and the mayor, aldermen and commonalty of the city of New York shall become liable for and subject to, and shall make provision for the payment of, and shall pay all debts, obligations and liabilities of said towns of Morrisania, West Farms and Kingsbridge, respectively, maturing on and after the first day of January, eighteen hundred and seventy-four, except as herein otherwise provided; and all moneys required to pay the principal and interest of all bonds issued by either of said towns, and all other obligations of either of said towns heretofore issued in pursuance of law, or in pursuance of this act, shall be raised in the manner now provided by law for the payment of the principal and interest of other obligations of the city and county of New York. The treasurer of the board of trustees of the town of Morrisania shall, on the thirty-first day of December, eighteen hundred and seventy-three, pay over all moneys in his hands to the supervisor of the town of Morrisania, except such moneys as shall have been paid to said treasurer for or on account of any assessment for any local or public improvement, which moneys he shall pay to the comptroller of the city of New York, who, shall apply the same to the payment of all certificates of indebtedness and warrants issued by the board of trustees of the town of Morrisania prior to January first, eighteen hundred and seventy-four which have been issued in pursuance of such assessments and the laws and ordinances imposing the same respectively. The supervisors of the towns of Morrisania, West Farms and Kingsbridge, which officers for that purpose, and for all purposes if necessary to carry into full effect the provisions of this act, shall hold over till that time, shall, prior to the second day of July, eighteen hundred and seventy-four, pay and discharge all valid claims against their respective towns, which have been audited by the respective board of town auditors thereof at their regular meeting, or at a special meeting hereby authorized to be held for the purpose of auditing such accounts, on the thirty-first day of December, eighteen hundred and seventy-three. The commissioners of the department of public parks shall have power to appoint an engineer who shall superintend the improvement authorized by chapter five hundred and forty-five of the laws of eighteen hundred and seventy-two, under the direction of the commissioners of the department of public parks; and said commissioners of the department of public parks are hereby authorized and directed to demand and receive all records, plans, maps, documents and papers pertaining to said improvement, from the hands of the commissioners appointed under said last mentioned act, which said commissioners shall make and file with the commissioners of the department of public parks within ten days after the passage of this act, a report of their proceedings and of all moneys received and disbursed by them on account of said improvement, and they shall pay over to said comptroller all moneys remaining in their hands. The said comptroller shall apply the same to the payment of awards to the owner or owners to whom said awards are due and unpaid and for the purpose of completing said improvement. The department of taxes and assessments shall annually assess upon the district of assessment as designated by the commissioners of assessment for the opening and widening of Third avenue in said town under the provisions of chapter five hundred and forty-five of the laws of eighteen hundred and seventy-two, the annual installments as required by said act, and make provision for the collection of the same, as they become due. The supervisor of the town of Morrisania shall transfer and deliver to the comptroller of the city of New York

Debts,
&c., ma-
turing on
1st day of
January,
1874, to be
paid by the
city and
county of New
York.

Treasurer
of Morris-
ania to
pay over
moneys to
supervi-
sors.

Supervi-
sors to
hold over,
&c.

Engineer
may be
appoint-
ed.

Records,
plans,
maps, &c.

Opening,
widening,
&c., of
Third av-
enue.

Bonds to
be trans-
ferred to

all bonds which have heretofore been issued by the boards of trustees of the town of Morrisania, for said improvement, pursuant to chapter five hundred and forty-five of the laws of eighteen hundred and seventy-two, and which bonds have not been negotiated; and said comptroller shall cancel said bonds, and may issue in the place thereof bonds of the city of New York, to the same amount, which shall mature and be paid in such manner and at such time as the comptroller may determine. Said bonds when so issued shall be negotiated by said comptroller, and he shall apply the proceeds thereof to the purposes of said improvement. The commissioners of the department of public parks are also authorized to take such proceedings through the corporation counsel of the city of New York, and to perform such acts enjoined upon the board of trustees of the town of Morrisania, by the act to create a board of trustees for the town of Morrisania, in the county of Westchester, and to define their powers, passed April twenty-second, eighteen hundred and sixty-four, and the acts amendatory thereof, as may be necessary to secure the confirmation of the reports of commissioners of assessment for street openings in cases where contracts have been awarded by said board for any local or public improvement, and the commissioners heretofore appointed by the county court or county judge of Westchester county for the purpose of appraising the damages for opening any street in the town of Morrisania, are hereby authorized to continue said appraisal and to complete the same, and to make their report to the court or to the judge by whom they were appointed, and all proceedings authorized by the "Act to create a board of trustees for the town of Morrisania, in the county of Westchester, and to define their powers," and the acts amendatory thereof, shall apply to the said improvements for the purposes of the final and legal determination, adjustment and completion of the same, except that in cases where a duty in connection therewith is imposed upon the board of trustees or officer thereof, said duty shall be performed by the said commissioners of the department of public parks and corporation counsel, and all commissioners of assessment heretofore appointed for any purposes connected with any improvement authorized by any proceedings of the board of trustees of the town of Morrisania, prior to the first day of January, eighteen hundred and seventy-four, are hereby continued in office until the final completion of the duties imposed upon them, in pursuance of any provisions of law in force at the time of their appointment. The books and records of assessment of the town of Morrisania shall be placed in the hands of the collector of assessments appointed under this act, and such collector shall proceed to collect the same in the manner provided by the laws under which such assessments were levied, and under the provisions of this act, and the collector of assessments, heretofore acting in said town, shall transfer and deliver to such collector all records of assessment remaining in his possession. The supervisors of the towns of Morrisania and West Farms, and Kingsbridge, and the treasurer of the town of Morrisania shall, on the second day of July, eighteen hundred and seventy-four, or as soon thereafter as the board of audit, herein provided for, shall have completed and reported upon their examination and audit of the accounts and vouchers of the said supervisors and treasurer, transfer, deliver and pay over to the comptroller of the city of New York, all books, papers, moneys and other property remaining in their possession as supervisors and treasurer as aforesaid belonging to said towns. On or before the second day of June, eighteen hun-

comptroller and cancelled, &c.

Commissioners to appraise damages for opening streets to continue appraisal, &c.

All commissioners of assessment appointed prior to Jan. 1st, 1874, continued.

Books, &c., to be placed in hands of collector.

Supervisors and treasurer to transfer books, &c., to the comptroller.

Board of
audit, its
duties.

dred and seventy-four, the county treasurer of the county of Westchester shall appoint two, the comptroller of the city of New York shall appoint two, and the county judge of said county shall appoint one, all of whom shall be reputable citizens, residents and freeholders in the annexed territory, as a board of audit, and it shall be the duty of such board to audit the accounts for fees of the receiver of taxes of the town of Morrisania for the years eighteen hundred and seventy-three and eighteen hundred and seventy-four, and the said board of audit shall audit the accounts of the treasurer of the board of trustees of the town of Morrisania for the year eighteen hundred and seventy-three. The moneys fund by the said board of audit as due from the receiver of taxes of the town of Morrisania for the years eighteen hundred and seventy-three and eighteen hundred and seventy-four shall be paid over to the comptroller of the city of New York, who shall apply the same to the payment of any liability not otherwise provided for in the final settlement of the debts, obligations and all other accounts of said towns; and out of the moneys raised by tax for the purpose of maintaining the fire department of the town of Morrisania for the year eighteen hundred and seventy-three, and which shall have come into the hands of said comptroller, the said comptroller shall pay out of any moneys raised for such purposes all obligations of said department, and all claims which shall have been duly audited by him for services rendered, or materials used thus audited for said department during said year. As soon as practicable after the second day of July, eighteen hundred and seventy-four, the said board of audit shall also audit the accounts of the supervisors of the towns of Morrisania, West Farms and Kingsbridge, including all receipts and disbursements of said supervisors in the final settlement of their accounts as authorized by this act, and the said board shall make a report or reports, in writing, of said several audits, to the county treasurer of Westchester county, who shall file the same in his office, together with all vouchers and exhibits accompanying such report or reports; such board of audit shall not have power to audit any claims or accounts except those of the officers named in this section. The several members of said board of audit shall serve without compensation, and a majority of them shall be competent to act as such board; their office shall cease with the making and filing of their last report. In case of any vacancy in said board, it shall be filled by the same officer who appointed the auditor, in whose place the new appointment is to be made.

Board of
audit to
make re-
port.

Vacancy,
how filled.

§ 10. Section ten of said act is hereby amended so as to read as follows:

Actions to
survive.

§ 10. All actions and causes of action which may be pending, or which shall have accrued at the time this act shall take effect, in behalf of or against said towns of Morrisania, West Farms and Kingsbridge, shall survive and may be prosecuted to final judgment in behalf of or against the city of New York. The several courts within the city and county of New York, on and after the first day of January, eighteen hundred and seventy-four, shall have the same jurisdiction over all causes of action and proceedings in civil actions and in matters of probate and special proceedings, which shall have accrued within the territory hereby annexed, that said courts now have over like proceedings and matters within the city and county of New York; provided, however, that the several courts within the county of Westchester, and within the second judicial district of the Supreme Court of the State of New York, shall have and retain jurisdiction of all actions, proceedings and matters that shall have been

Jurisdic-
tion of
courts
within the
city and
county of
New
York.

Proviso.

rightfully commenced in said courts prior to the said first day of January, eighteen hundred and seventy-four, and the several courts of the city and county of New York, having criminal jurisdiction, on and after the first day of January, eighteen hundred and seventy-four, shall have the same jurisdiction of all the crimes, offenses and misdemeanors that shall have been committed in said territory, that the courts of the city and county of New York, having criminal jurisdiction now have in the city and county of New York; provided proceedings shall not have been already rightfully commenced in any of the courts of the county of Westchester for the prosecution of said crimes, offenses or misdemeanors, in which case the said courts within the county of Westchester shall have and retain jurisdiction of the same for the full, complete and final disposition thereof; and until the said first day of January, eighteen hundred and seventy-four, the said courts of the county of Westchester, and in the said second judicial district, shall retain and exercise in all civil and criminal proceedings the same jurisdiction they now have. The several justices of the peace now duly elected and qualified, and notaries public in either of said towns of Morrisania, West Farms and Kingsbridge, whose terms of office shall not expire before that time shall continue to exercise all their powers as such until the expiration of the terms of their respective offices. From and after the first day of January, eighteen hundred and seventy-four, justices of the peace in the territory hereby annexed to the city and county of New York shall not be permitted to charge or receive any fees or compensation in criminal cases or proceedings had before them or either of them. All suits, actions, proceedings, complaints, prosecutions and special proceedings which shall be pending within said territory, before any court or justice of the peace at that time, shall be heard and determined as though this act had not been passed, and the powers of said court or of said justice of the peace to hear and determine such proceedings are hereby continued till such determination. A copy of the oath of office of each of said justices of the peace and notaries public, certified by the clerk of the county of Westchester, together with the signature of such justice or notary public, shall be filed by him in the clerk's office of the city and county of New York, and after the same has been so filed, all deeds, mortgages or other instruments which have been duly acknowledged or proved before such justice or notary public in the territory hereby annexed, subsequently to the first day of January, eighteen hundred and seventy-four, may be recorded in the register's office of the city and county of New York, without any further certificate of the clerk of Westchester county. Nothing contained in this act shall authorize any service of process issued by a justice of the peace, or give any justice of the peace jurisdiction, outside of the territory to which his jurisdiction was limited before the passage of this act. The acts of all notaries public heretofore appointed for the county of Westchester and residing within said annexed territory, done and performed by them within said annexed territory since the first day of January, eighteen hundred and seventy-four, are hereby confirmed, and said notaries are hereby constituted and declared notaries public of the county of New York as hereby extended, until the expiration of the term for which they were appointed, with as full force and effect as if they had originally been appointed notaries for said county.

Justices of the peace, &c., to hold till expiration of their terms.

Fees in criminal cases.

Suits, &c., to be continued.

Official oath.

Record of deeds, &c.

Notaries, acts of, legalized, &c.

§ 11. After this act shall take effect, the mayor and common council of the city of New York and all officers elected or appointed under the charter of the city of New York, or under any law of this State author-

Powers of officers of the city of New York

York extended over annexed territory.

izing the election or appointment of officers for the city and county of New York, and also school commissioners, trustees and inspectors appointed or to be appointed, shall exercise the same powers and shall perform the same duties in and over the territory hereby annexed, and in each ward thereof, in like manner and to the same extent as if said territory had always been a part of the city and county of New York, except as the same may be specially limited, excepted or extended by this act.

Interest in property released to Westchester county. Proportionate share of debts, how to be paid.

§ 12. All the interest which the towns of Morrisania, West Farms and Kingsbridge now have in the public property of the county of Westchester is hereby released and acquitted to the county of Westchester. Such proportions of the debts and obligations of the county of Westchester existing when this act shall take effect over and above the value of all the property belonging to said county, as should proportionally and equitably be paid by the inhabitants and property owners of the territory by this act annexed, shall be paid by the city and county of New York to said county of Westchester; and the boards of supervisors of the counties of New York and Westchester shall have power to determine the same in such manner as shall be agreed upon by them. In case of the failure of said boards to agree upon such proportion within six months after the passage of this act, the Supreme Court of the third judicial district shall have power to determine upon the amount of such proportion (if any), and to enforce the same in a suit in equity to be brought in the name of the county of Westchester, not less than six months, nor more than one year after the passage of this act. Nothing contained in this act shall impair the obligation of any contract, and the property and inhabitants of the territory annexed by this act to the city of New York shall continue liable to the existing creditors of the several towns and of the county of Westchester, in like manner as if this act had not been passed; provided, that if any person, by reason of being an inhabitant of or owning property in said territory, shall be compelled to pay any part of the existing debt or obligation of the county of Westchester, or either of the towns of Morrisania, West Farms and Kingsbridge, the amount of such payment shall thereupon become a debt due to him from the city and county of New York as hereby constituted, and may be recovered in like manner as other debts against said city and county.

Suit in equity.

Obligation of contracts not impaired.

§ 13. Section thirteen of said act is hereby amended so as to read as follows:

Records.

§ 13. The books, records, documents, dockets of judgments and other instruments in writing relating to the towns of Morrisania, West Farms and Kingsbridge, and belonging to the offices of the clerk, register, surrogate, sheriff and treasurer of the county of Westchester, shall remain the property of the county of Westchester, and all such records, documents, dockets of judgment and other instruments in writing which relate to, concern or affect the real estate or any other property in the territory hereby annexed, the title to which may be affected by any such records, documents, instruments in writing or dockets of judgments, shall continue to have the same force and effect in every respect and for every purpose as if this act had not been passed. All conveyances by deed, mortgage or otherwise, and all documents, dockets of judgment or other instruments in writing affecting the real or personal property within the territory hereby annexed, which are now required by law to be recorded or filed in the offices of the clerk, register, surrogate, sheriff or treasurer of the county of Westchester shall continue to be so filed or recorded in the

Deeds, &c., to be recorded in Westchester county on Jan. 1st, 1874.

all several offices of the county of Westchester until the first day of January, eighteen hundred and seventy-four, with the same force and effect as if this act had not been passed; and on and after such date all such conveyances, documents, dockets of judgments or other instruments in writing shall be recorded and filed in the several offices of the city and county of New York, in which like conveyances, documents, dockets of judgment or other instruments in writing are now required by law to be recorded or filed; excepting that assignments of mortgages, which mortgages have been recorded in the office of the register of the county of Westchester prior to the first day of January, eighteen hundred and seventy-four, may continue to be recorded in the office of the register of the county of Westchester; and also excepting certificates of satisfaction of mortgages or judgments, where such mortgages or judgments are filed or recorded in the county of Westchester, shall continue to be filed and recorded in the respective offices of the register and clerk of the county of Westchester. The jurisdiction of the surrogate of the county of Westchester over all proceedings right-fully commenced before him on or before the thirty-first day of December, eighteen hundred and seventy-three, shall continue until such proceedings are finally determined, and every duty now imposed by law upon any county officer of the county of Westchester, to be done or performed in regard to any proceeding, record, document, certificate or other instrument in writing, after the same shall have been commenced, filed or recorded by him, shall continue to be done and performed by such officer in regard to all proceedings commenced or papers filed or recorded by him on or before the thirty-first day of December, eighteen hundred and seventy-three, as if this act had not been passed. All records, documents and papers now on file in the several offices, or in the possession of the several officers of the towns of Morrisania, West Farms and Kingsbridge, or in possession of any commissions appointed by the legislature, in the matter of opening, laying out or constructing any highway, avenue, street, highway or sewer in either of said towns, except as hereinbefore provided, shall be delivered over by the said several officers now having the custody or control of the same to the commissioners of the department of public parks of the city of New York on or before the first day of January, eighteen hundred and seventy-four, and all obligations created by any of said commissioners and now existing in favor of any creditor of either of said commissions shall be satisfied and paid by the department of public parks of the city of New York, from any moneys appropriated to their use by the board of estimate and assessment, for the purpose of maintaining or repairing the public streets, avenues or highways in said annexed territory. All chattel mortgages and other instruments in writing, which are now required by law to be filed by the town clerks of the said towns of Morrisania, West Farms, and Kingsbridge shall continue to be so filed until the first day of January, eighteen hundred and seventy-four, with the same force and effect, as if this act had not passed; and on that day, or within five days thereafter, all such chattel mortgages and instruments in writing shall be delivered by the town clerks of said respective towns to the register of the city and county of New York, and said chattel mortgages and other instruments in writing shall continue to have the same force and effect as if this act had not passed. On and after the first day of January, eighteen hundred and seventy-four, all chattel mortgages, and such other instruments in writing as are now required by law to be filed with the town clerks of said towns shall be filed in

Thereafter in the city and county of New York.

Exception.

Jurisdiction of surrogate of Westchester county. Other officers.

Town records, &c., to be delivered to commissioners of public parks.

Chattel mortgages, where to be filed, &c.

such office in the city of New York as like instruments in writing are now required by law to be filed, deposited or recorded.

§ 14. Section fourteen of said act is hereby amended so as to read as follows:

Commissioners of public parks, their powers as to public parks, streets, &c., within annexed territory.

§ 14. The commissioners of the department of public parks of the city of New York shall have the exclusive power to locate and lay out, construct and maintain all public parks, streets, roads and avenues, and to devise plans for and locate all bridges and tunnels, and shall have exclusive control of the maintenance and construction of all public parks within the territory hereby annexed, and to construct and maintain all bridges, tunnels, sewers, streets, roads and avenues so located and laid out, and the said commissioners of public parks shall have exclusive power to establish the widths and grades of all such streets, roads and avenues so located and laid out, except as to such streets, roads and avenues within said territory as are laid down and established by the commissioners appointed under chapter eight hundred and forty-one of the laws of eighteen hundred and sixty-eight, on a map of the same, filed in the office of the register of the county of Westchester, on the twenty-third day of February, eighteen hundred and seventy-one, which streets and avenues, with the grades and lines thereof as laid down on said map, are hereby confirmed and established, except so far as the same have been changed or modified by law, subject however, to be altered by said commissioners of public parks whenever they, or a majority of them, may deem such change required, and also except that the several surveys, maps, plans and profiles of streets, roads and avenues that shall have been made, laid out, filed or adopted by the commissioners of public parks within the territory hereby annexed under any law of this State authorizing the same, are hereby confirmed and established, subject to be altered, however, in the same manner as is hereinbefore provided, as to the survey and map of the town of Morrisania. No street or avenue not already laid out shall be constructed through or upon the depot or station grounds of any railroad or branch of the same, now operated by steam within the said territory unless with the consent of the said railroad company. After the first day of January, eighteen hundred and seventy-four, in all cases where proceedings have been commenced for the opening of any streets, roads or avenues, or for the construction of any street, road, avenue or sewer within the territory hereby annexed, the same shall be continued and completed under the direction of the said commissioners of public parks under the laws now in force, in the territory hereby annexed, for opening or constructing the same. All proceedings hereafter to be taken by virtue of this act by said commissioners of the department of public parks, to lay out, construct, and maintain any public parks, to devise plans for and locate any bridges, or tunnels or to locate or lay out any streets, sewers, roads or avenues, or for the construction of any bridge, tunnels, sewers, streets or avenues within the territory hereby annexed shall be taken and prosecuted by the commissioners of the department of public parks, under and in pursuance of the provisions of the laws now in force, for the construction of such works, or which may hereafter be passed for the taking and prosecuting of proceedings in the city of New York, by the said commissioners of the department of public parks or the commissioners of public works. The department of public works of the city of New York is hereby authorized to construct and lay one Croton water main through and along the Third avenue in the territory hereby annexed, from the Harlem river to Fordham station on the New York and Harlem railroad

No street to be constructed upon depot or station ground of railroad.

Croton water main.

and to supply said main with Croton water by such means and in such manner as said department may deem expedient, and all laws now in force conferring on the department of public works authority to extend the supply of Croton water to any part of said city are hereby applied and made applicable as far as may be to the part of said annexed territory hereinbefore referred to.

§ 15. Section fifteen of said act is hereby amended so as to read as follows:

§ 15. Any person residing in the territory hereby annexed who shall have been elected for a term now unexpired, to any office for the county of Westchester may exercise the duties of such office till the end of the term for which he was elected as if this act had not been passed. The several police of officers and patrolmen that may be in office in either of the towns of Morrisania, West Farms or who have, pursuant to law, been designated and did perform police duty in the town of Kingsbridge when this act shall take effect, shall thereafter continue in the discharge of their respective duties in the same manner as if they were police officers and patrolmen of the city of New York, and shall be subject to all the rules, regulations and entitled to all emoluments of the police department of the city of New York, until others shall be appointed in their stead. The clerk of the board of supervisors of Westchester county is hereby authorized and directed to take from the jury box in which are deposited the names from which petit jurors are to be drawn the names of all jurors whose names are deposited therein, who may be residents of the territory hereby annexed. All inquests held by the coroner authorized under this act to perform the functions of his office in the territory hereby annexed shall be a charge against the city and county of New York, and he shall be entitled to receive for all duties performed in said territory from and after the first day of January, eighteen hundred and seventy-four the same amounts and to be paid in the same manner as is now provided by law for the payment of the coroners of the city and county of New York. On and after the passage of this act, all real estate, fire apparatus, hose, implements, tools, bells, bell-towers, and all property of whatever nature then or heretofore in use by the several fire departments of the towns of Morrisania and West Farms, shall be transferred by all persons having charge of the same to the fire department of the city of New York, for the use thereafter of said department; and all liens or obligations of the aforesaid departments, in respect to said property, shall be assumed and discharged by the city of New York. The trustees or commissioners of the fire departments of the late towns of Morrisania and West Farms shall, within thirty days after the passage of this act, return or cause to be returned to the fire department of the city of New York, the names of all members of the said fire departments regularly enrolled as firemen for the period not less than one year prior to the first day of January, eighteen hundred and seventy-four; and the said department shall, upon receipt of the names returned, issue or cause to be issued a certificate of discharge, under seal of said department, to the members aforesaid; and when so discharged said members shall be entitled to all the privileges and exemptions to which exempt firemen are entitled by the laws of the State of New York, the same as if they had served the full terms required by the laws of this State.

§ 16. All provisions of law now in force inconsistent with this act, and of laws imposing upon the county of Westchester or the towns of Morrisania, West Farms and Kingsbridge, liabilities for the construction and maintenance of tunnels under or bridges over the Harlem river,

County of
officers.

Police off-
cers and
patrol-
men.

Clerk of
board of
super-
visors
to withdraw
names
from jury
box.
Coroner,
inquests,
&c.

Property
of fire de-
partments
trans-
ferred.

Trustees
of fire de-
partments
to return
names of
members.

Dis-
charge,
exemp-
tions, &c.

Repeal.

Bridges
and tun-
nels.

are hereby repealed, and the provisions of chapter five hundred and thirty-four of the laws of eighteen hundred and seventy-one, for the construction and maintenance of bridges over and tunnels under the Harlem river, at the joint cost and expense of the city and county of New York and of the county of Westchester, and certain towns therein named, shall be construed as applying hereafter solely to the city and county of New York and to the territory hereby annexed thereto; and the provisions contained in said chapter five hundred and thirty-four for the raising of moneys for the construction of said bridges and tunnels, or any of them, over or under the Harlem river, by the issue of the bonds of such of said counties, or otherwise, as in said chapter provided, shall hereafter be confined to the city and county of New York, as the same shall be enlarged by the territory hereby annexed, and the planning and construction of said tunnels and bridges shall be continued for account of said enlarged city of New York and with its means, as in said chapter five hundred and thirty-four provided, the same as though the county of Westchester had not been mentioned in said chapter in connection with said bridges and tunnels.

§ 17. Section seventeen of said act is hereby amended so as to read as follows:

Maps to
be made.

§ 17. It shall be the duty of the mayor, comptroller and president of the commissioners of taxes and assessments of the city of New York, to cause to be made such maps of the territory constituting the twenty-third and twenty-fourth wards of said city as are necessary and proper for the use of the department of taxes and assessments of New York city. The mayor, comptroller and president of the commissioners of taxes and assessments of the city of New York are authorized and directed to contract for the making of said maps with a competent surveyor or surveyors, and they shall certify in writing to the board of estimate and assessment the amount of money necessary to pay for the same, and the said board of estimate and assessment shall appropriate for the purpose of paying for said maps the sums of money so certified to be required. The board of supervisors of the city and county of New York shall levy and collect according to law the said sum or sums of money so appropriated, and from the moneys raised pursuant to the provisions of this section, the comptroller is hereby authorized and directed to pay such sums as may be certified to be due and payable for the work performed under the provisions of this section.

Acts done
under act
of May
33d, 1873.

§ 18. The several acts done and performed under and in pursuance of the provisions of sections one to sixteen, inclusive of the act entitled "An act to provide for the annexation of the towns of Morrisania, West Farms and Kingsbridge, in the county of Westchester, to the city and county of New York," passed May twenty-third, eighteen hundred and seventy-three, are hereby confirmed, and wherever, in the foregoing sections there are provisions as to acts to be done prior to the passage of this act, the said provisions shall be construed as if this act had been enacted in May eighteen hundred and seventy-three, and shall not in any sense be construed to enlarge or extend the powers or term of office of any officer of said towns as they are limited and set forth in the act entitled "An act to provide for the annexation of the towns of Morrisania, West Farms and Kingsbridge, in the county of Westchester, to the city and county of New York," passed May twenty-third, eighteen hundred and seventy-three, and sections one to sixteen inclusive of said act as hereby amended and explained are hereby re-enacted.

Term of
office.

§ 19. This act shall take effect immediately.

Chap. 330.

AN ACT to provide for submitting amendments to the Constitution to the electors of the State.

Passed May 6, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The inspectors at each poll in the several towns and wards of this State, at the general election to be held in this State on the third day of November, one thousand eight hundred and seventy-four, shall provide a box to receive the ballots of the citizens of this State in relation to the amendments proposed to the Constitution as hereinafter mentioned, and each voter may present a ballot on which shall be written or printed, or partly written or partly printed in the form following, namely:

Inspectors of election to provide box for ballots in relation to constitutional amendments.

For all propositions on this ballot which are not cancelled with ink or pencil; and against all which are so cancelled.

Form of ballot.

For the proposed amendments to article two "relative to suffrage and bribery."

For the proposed amendment to article three, part first, "Legislature and its organization," section one to eight inclusive.

For the proposed amendment to article three, part two, "powers and forms of Legislature," being sections seventeen to twenty-five, inclusive.

For the proposed amendments to article four, "the Governor and Lieutenant-Governor, their powers and duties."

For the proposed amendments to article seven, "finance and canals."

For the proposed amendments to article eight, part one, being sections four and eleven, "relating to corporations, local liabilities and appropriations."

For the proposed amendments to article eight, part two, section ten, "State appropriations."

For the proposed amendment to section nine, article ten, being section "relative to compensation of certain officers."

For the proposed amendment to article twelve, "oath of office."

For the proposed amendment to add a new article to be known as article fifteen, "relating to official corruption."

For the proposed amendment to add a new article to be known as article sixteen, "time for amendment to take effect."

Each of said ballots shall be counted as a vote cast for each proposition thereon not cancelled with ink or pencil, and against each proposition so cancelled; and returns thereof shall be made accordingly by inspectors of election and canvassers.

Each ballot, how to be counted.

The said ballot shall be indorsed "Constitutional Amendments."

Indorsement.

And all the citizens of this State entitled to vote for Members of Assembly in their respective districts, shall be entitled to vote on the adoption of the said proposed amendments during the day of election in the several election districts in which they reside.

Who may vote on proposed amendments.

§ 2. After finally closing the polls of such election, the inspectors thereof shall count and canvass the ballots given relative to the said proposed amendments in the same manner as they are required by law to canvass the ballots given for Governor, and thereupon shall set down in writing the whole number of votes given for each of the said proposed amendments, in the words in which said amendment is hereinbefore

Ballots, how canvassed.

Certificate
and copies
thereof.

Votes,
how to be
canvassed
by county
canvass-
ers.

Certifi-
cates to be
transmit-
ted to
county
clerks, &c.

To be can-
vassed by
State can-
vassers.

Certifi-
cate of re-
sult to be
entered of
record in
office of
Secretary
of State
and pub-
lished.

Secretary
of State to
publish
amend-
ments and
form of
ballot.

given, and the whole number of votes given against each of the said proposed amendments, in the words in which said amendment is here-
inbefore given, and shall certify and subscribe the same, and cause
copies thereof to be made and certified and delivered as prescribed by
law in respect to the canvass of votes given at an election for Governor.

§ 3. The votes so given shall be canvassed by the board of county
canvassers, and statements thereof shall be made, certified and signed,
and recorded in the manner required by law in respect to the canvass-
ing of votes given at an election for Governor, and certified copies of
the statements and certificates of the county canvassers shall be made,
certified and transmitted by the county clerks respectively, in the
manner provided by law in cases of election for Governor. The said
certified copies transmitted by the county clerks, shall be canvassed by
the board of State canvassers in the like manner as provided by law in
respect to the election of Governor, and in like manner they shall make
and file a certificate of the result of such canvass, which shall be entered
of record by the Secretary of State, and shall be published by him in
the State paper, and in the paper designated by the several boards of
supervisors to publish the session laws, or which may be designated by
said board to publish said certificate, and in any county in which such
designation is not made for the present year, in one paper published in
each Assembly district of such county to be designated by the Secretary
of State.

§ 4. It shall be the duty of the Secretary of State to cause the said
proposed amendments to the Constitution, together with the form of
the ballot, as herein specified, to be published in the manner provided
for the publication of the certificate of the result of the canvass as pro-
vided by section three hereof, at least twice prior to such election, but
no neglect or failure to publish shall impair the validity of such election.

Chap. 331.

AN ACT to amend an act entitled "An act to amend an
act entitled 'An act to provide for the incorporation of
fire insurance companies,' passed June twenty-fifth, eigh-
teen hundred and fifty-three," passed April nineteenth,
eighteen hundred and sixty-two.

Passed May 6, 1874.

*The People of the State of New York, represented in Senate and
Assembly, do enact as follows:*

SECTION 1. The twenty-third section of the act entitled "An act to
provide for the incorporation of fire insurance companies" passed June
twenty-fifth, eighteen hundred and fifty-three, as amended by an act
entitled "An act to amend an act entitled 'An act to provide for the
incorporation of fire insurance companies,' passed April nineteenth,
eighteen hundred and sixty-two, is hereby amended by adding at the
end of said section twenty-three the following:

Insurance
Company
of the Do-
minion of
Canada
may de-
posit
stocks.

Any insurance company incorporated by or organized under the laws
of the Dominion of Canada, for the transaction of the business of fire
and inland navigation insurance, may deposit with the Superintendent
of the Insurance Department, for the benefit and security of policy-hol-
ders residing in the United States, a sum not less than two hundred
thousand dollars, in stocks or bonds of the Dominion of Canada, or in

stocks or bonds of the United States or of the State of New York. If any securities other than those above named are offered as a deposit they may be accepted at such valuation and on such conditions as the Superintendent of the Insurance Department may direct; and if the market value of any of the securities which have been deposited by any company shall decline below that at which they were deposited, the Superintendent of the Insurance Department may call upon the company to make a further deposit so that the market value of all the securities deposited by any company shall be equal to the amount which it is required to deposit. But such company shall in all other respects be subject to and comply with all the provisions of existing laws of this State relative to insurance companies incorporated by or organized under any foreign government transacting the business of fire and inland navigation insurance within this State.

Other securities may be accepted by superintendent of insurance department.

Subject to existing laws in other respects.

§ 2. This act shall take effect immediately.

Chap. 332.

AN ACT to amend the general plank-road law and chapter four hundred and eighty-seven of the laws of eighteen hundred and fifty-one, relative to plank-roads in the town of Chesterfield, in the county of Essex, so far as it relates to plank-roads between the villages of Keeseville and Port Kent.

Passed May 6, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The town of Chesterfield, in the county of Essex, is hereby excepted from the operation of the provisions of section thirty-seven of "An act to provide for the incorporation of companies to construct plank-roads, and of companies to construct turnpike roads," passed May seven, eighteen hundred and forty-seven, and from the provisions of sections one, two, three and four of chapter four hundred and eighty-seven of the laws of eighteen hundred and fifty-one "as to the plank-road between the villages of Keeseville and Port Kent"; and the provisions of said sections are hereby declared to be inapplicable to the plank-road between said villages, as to any plank-road or gate thereon, located, or which shall be located, in said town of Chesterfield.

Exception of the town of Chesterfield.

§ 2. This act shall take effect immediately.

Chap. 333.

AN ACT to incorporate the Cotton Exchange Trust Company.

Passed May 6, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Frederick Zerega, John L. Macaulay, Pandelli Fachiri, Mayer Lehman, Alexander G. Black, Solomon Ranger, George Blagden, Ambrose Fachiri, Michael B. Fielding, Henry Hentz, Leonidas Colvo-

Corporators.

caressi, Israel Ullman, and such other persons as shall hereafter become stockholders thereof, are hereby created a body corporate under the name and style of "The Cotton Exchange Trust Company," for the purposes and with the powers and privileges hereinafter specified; and by that name said corporation shall have perpetual succession, and may be * and be sued in all courts of competent jurisdiction.

Capital stock. § 2. The capital stock of said corporation shall be five hundred thousand dollars, divided into shares of one hundred dollars each, with the privilege of increasing the same to a sum not exceeding two million of dollars at any time, by vote of two-thirds of the board of directors, with the consent of three-fourths of the stockholders. The corporators above named in the first section of this act shall have power to open books of subscription to said capital stock, at such times and under such regulations as they shall prescribe; and they shall give public notice, by publishing the same for ten consecutive days, in the New York Times, of the time and place where such books of subscription shall be open; and when one thousand shares of the capital stock shall have been subscribed for and at least one hundred thousand dollars paid in, the stockholders paying the same shall, at a time and place to be designated by said corporators, proceed to elect not less than five nor more than thirteen directors, to manage the affairs of said corporation for the first year and until others are chosen in their places, and as soon as said directors are chosen, said corporation may commence active business operations.

May be increased.

Books of subscription.

Notice thereof.

When corporators may elect directors.

Number of.

§ 3. The stock, property and affairs of said company shall be managed by a board of directors consisting of not less than five nor more than thirteen who shall be annually chosen from among the stockholders at such time and in such manner and upon such notices as shall be prescribed in the by-laws of said company. All vacancies in said board occasioned by death, resignation or otherwise shall be filled by the remaining members from among the stockholders. Said board shall elect annually one of their number to be president of said board, and they may also select and appoint such other officers and agents as they may deem necessary for the transaction of the business of said company, and may prescribe their duties and fix their compensation. Said board may also make and establish such by-laws, rules and regulations not inconsistent with this act or the Constitution of the State as they may deem advisable for the government of the officers, agents and employees of the company and for the management of its business and affairs.

Board of directors to be chosen annually.

Vacancies, how filled.

President and other officers.

By-laws.

§ 4. The said corporation shall have power to accept and receive on deposit, any money, or on storage any property which any party to any contract for the purchase or sale of any cotton, may desire to deposit with it as a margin upon any contract, or in performance thereof either in whole or in part, to guaranty for such compensation, and upon such terms as the board of directors may determine, the performance or completion of any such contract; to make advances in cash, or by their time acceptances on all property so deposited with or which may be consigned to said corporation; to collect and receive interest on all such advances not exceeding the legal rate, and also to collect and receive such commission, charges for storage, insurance and factorage as may be agreed upon between the owners, depositors or consignees of such property, and this corporation for the services of said company; and the said corporation shall have power to advance moneys or credits upon bills of lading, receipts or certificates representing cotton in store, or in transit from one portion of the United States to another, or to or from any

Corporation may receive money on deposit and property on storage, &c.

Advances and acceptances.

Interest, commissions, &c.

May advance moneys or credits upon bills of lading, &c.

foreign port, on such terms as may be agreed upon between the borrowers and said corporation, but shall not charge interest for such loans or advances exceeding the rate allowed by law.

§ 5. In case any property deposited with said corporation, upon which any advance by it shall have been made, shall, before the maturity of such contract, from any cause, decrease in value from the price originally fixed, said corporation may give notice in writing to the owner of such property or his agent to perform the conditions thereof or make good the deficiency caused by such decrease in value within the number of days for that purpose agreed upon, and in default thereof may sell and dispose of such property at public auction, and out of the proceeds thereof may retain the amount due under the contract, together with the costs, expenses and commissions of sale.

When property pledged may be sold.

§ 6. This company shall have power and authority on such terms as may be agreed upon, to receive money in trust and on deposit, and to allow and pay interest on said money at a rate not exceeding seven per cent., and to give one or more certificates for any sum of money so deposited as may be most convenient for the depositor or depositors, or repay the same upon the surrender of such certificates or certificates,* or upon check or drafts, and to loan the same at any rate of interest allowed by law, but no rate of interest to exceed legal interest shall be charged or received by said company in any transaction.

May receive money on deposit and in trust.

May loan the same.

§ 7. The said corporation may borrow money and contract indebtedness, and secure the payment thereof in such manner and to such extent as the board of directors may determine, and as they may deem necessary for the prosecution and management of its business; but the stockholders of said corporation shall be liable to the creditors thereof, to the extent of the amount of the stock owned by them respectively; and said corporation may, in addition to the powers hereinbefore conferred, lease or purchase, and hold or convey real estate for the following purposes, to wit: First. Such as shall be necessary for its immediate accommodation in the transaction of its business in one or more places in the city of New York and elsewhere, within or beyond the jurisdiction of the State. Second. Such as shall be mortgaged to it in good faith by way of security of debts. Third. Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings. Fourth. Such as it shall purchase at sale under judgments, decrees or mortgages held by the corporation, or shall acquire to secure debts due the same.

May borrow money and contract debts.

Liability of stockholders. May lease or purchase and hold and convey real estate.

§ 8. This act shall take effect immediately.

Chap. 334.

AN ACT to incorporate "The Home for Christian Care."

Passed May 6, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. James Stillman, Stephen H. Tyng, Jr., Benjamin B. Leacock, Herman G. Clapp, Edward C. Sampson, Benjamin C. Wetmore, Melville Brown, James W. Alexander and Frank L. Moore, and their associates, are hereby constituted a body corporate, by the name

Corporation.

Corpor-
ate name.

Objects.

Powers
and priv-
ileges.

May take
real estate
by gift,
&c.

Constitu-
tion and
by-laws.

Certain
children
may be
commit-
ted to its
care.

May bind
out chil-
dren.

May sur-
render
child.

of "The Home for Christian Care," for the purpose of the reception, education, boarding, relief and Christian care of destitute or vicious children, and of destitute, sick, insane or vicious persons, and of the training of men and women in the management and care of such children or persons, and by that name shall have and possess all the powers and privileges which, by the third title, eighteenth chapter, first part of the Revised Statutes, are declared to belong to corporations; and shall have power to take by purchase, gift, devise or bequest, and hold, convey or lease real and personal estate for its use and purposes; such real estate, however, not to exceed one million dollars, the yearly income thereof not to exceed one hundred thousand dollars.

§ 2. The said corporation shall have power to make and adopt a constitution, by-laws, rules and regulations for the management of its business and property, and the choice, powers and duties of its officers and agents, and from time to time to alter and repeal such constitution, by-laws, rules and regulations.

§ 3. The several magistrates in the counties of New York, Westchester, Kings, Richmond, Putnam and Queens, and the commissioners of the public charities and corrections of the city of New York, and the superintendents of the poor for said counties, are hereby authorized to commit and transfer to the care and management of this corporation such children or persons as may come under their jurisdiction and who may be eligible by this law and the constitution and by-laws of the said corporation.

§ 4. This corporation shall have power to bind out, by indenture, children committed to their care, as clerks, apprentices or servants, to some profession, trade or employment, but it shall always reserve to itself the right to cancel such indenture or contract of service at any time, upon an order of any magistrate having jurisdiction in the county where the child may be indentured or may reside.

§ 5. This corporation shall have the right and power to surrender any child, at any time, to the proper person or authority, to be disposed of as shall be found best and right, and shall thenceforth be free from its support or instruction.

§ 6. This act shall take effect immediately.

Chap. 335.

AN ACT in relation to taxes in the city of Syracuse. }

Passed May 6, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Common
council
may va-
cate tax.

SECTION 1. The common council of the city of Syracuse are hereby authorized to vacate that portion of the assessment made, and tax levied, for the construction of a sewer in Fayette street, from Onondaga creek to Irving street, in said city, as has been assessed upon the property and owners of property fronting on and adjacent to Washington street, lying east of the easterly line of Irving street, and to release said property and owners therefrom.

May as-
sess such
tax upon
the city at
large.

§ 2. The common council of said city are hereby authorized to assess that portion of the expense of constructing said Fayette street sewer assessed as the city's share thereof, together with the amount of the various assessments vacated by the first section of this act, and also the

interest due from the city on moneys borrowed for the payment of the costs of constructing said sewer, upon the city at large, in the manner now provided by law for making such assessment, and to levy and collect the same in the manner that taxes are now levied and collected by law in said city, and when so collected, to apply the same in payment of the costs and expenses of constructing such sewer.

§ 3. This act shall take effect immediately.

Chap. 336.

AN ACT relating to the preservation of fish within the county of Cortland, State of New York.

Passed May 6, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. No person shall at any time within three years, between October fifteenth and June fifteenth, in each year, from the passage of this act, fish for, nor catch, either with hook and line or any other means, trap or device whatsoever, any fish for any purpose whatsoever, nor at any time within said three years, any brook trout, salmon trout, black bass, rock bass, Oswego bass, or pike, in any of the streams, ponds, or any other waters, within the limits of the county of Cortland, in the State of New York, except that portion of Skaneateles lake, lying within the limits of said county of Cortland; nor shall any person kill, or have in his or her possession, any fish known by him or her to have been caught or taken from any such waters for any purpose whatever, within the time or times in which fishing is prohibited by this section.

§ 2. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and shall likewise be liable to a penalty of ten dollars for each fish caught; and it shall be the duty of all sheriffs and constables of each and every town in said county to see that these provisions are enforced.

§ 3. All penalties imposed by the provisions of this act may be recovered with costs of suit, by any person or persons, or the Cortland County Sportsman Club, in his or their names, before any justice of the peace in the said county of Cortland; and every such penalty, when collected, shall be paid, by the justice before whom recovery was had, to the overseer of the poor in such town, and shall by him be applied for the support of poor; and the same process and means for collection of the penalties given by this act may be issued and had as are now allowed by law for the collection of damages in action of tort.

§ 4. None of the provisions of this act shall apply to private ponds constructed for the propagation or preservation of fish in the county of Cortland aforesaid.

§ 5. This act shall take effect immediately.

Chap. 337.

AN ACT to authorize the Corning, Cowanesque and Antrim Railway Company to extend their road and to acquire lands for the purpose of straightening their tracks.

Passed May 6, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Company
author-
ized to
acquire
right of
way, &c.

SECTION 1. The Corning, Cowanesque and Antrim Railway Company are hereby authorized, for the purpose of extending any branches from their railway to any point or points in the town of Erwin, Lindley and Corning, in the county of Steuben, or for the purpose of altering, changing or straightening their tracks, to purchase and hold, and also to acquire title to real estate or rights of way, and to ascertain and appraise the damages thereof, in the manner and by the proceedings prescribed in an act to authorize the formation of railroad corporations and to regulate the same, passed April second, eighteen hundred and fifty, and the amendments thereto.

May ex-
tend their
railway,
&c.

§ 2. The Corning, Cowanesque and Antrim Railway Company are hereby authorized to extend and construct their railway and tracks from Corning in the county of Steuben, into and through the county of Steuben to Cooper's Plains into and through the county of Chemung to Elmira, and into and through the county of Schuyler to Watkins.

May build
over Che-
mung ca-
nal, &c.

Bridges.

And for this purpose are authorized to build their railway across the Chemung canal and feeder as may be necessary, and to construct and operate at their own expense suitable swing or turntable draw-bridges and other bridges, for the passage of trains over said canal and feeder; said bridges to be constructed as to the time and manner of doing the same, as the Canal Commissioner in charge of that work shall in the interest of the State require; and said bridges when completed shall be always under the general control and management of the Canal Commissioner in charge for the time being; but all the expense of erecting, maintaining and operating said bridges shall be provided for and paid by said railway company, and the rights and privileges given by this act are subject to the provisions of chapter one hundred and forty of the laws of eighteen hundred and fifty and the acts amendatory thereof.

To be un-
der con-
trol of ca-
nal com-
mission-
ers.

§ 3. This act shall take effect immediately.

Chap. 338.

AN ACT to release the right, title and interest of the People of the State of New York in and to certain real estate of which Dennis Minihan died seized, to Ellen Minihan, widow of said said* Dennis Minihan.

Passed May 6, 1874; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Title of
the State
to lands in

SECTION 1. All the estate, right, title and interest of this State of, in and to all the real estate situate in the city of Utica, county of Oneida,

in this State, whereof Dennis Minihan died seized, and more particularly described as follows: All those two certain house lots on the westerly side of Miller street, in said city of Utica, known and distinguished as lots numbers twenty-six and twenty-eight, in block H, on A. B. Johnson's map, made April, eighteen hundred and forty-nine, and filed in the office of the clerk of Oneida county July thirtieth, eighteen hundred and sixty-six. Said lots being each forty feet in front and rear, and one hundred and fourteen feet deep, as laid down on said map, be the same more or less, with the appurtenances, being the same premises conveyed to said Dennis Minihan by George R. Perkins and wife, by warranty deed dated November twenty-eighth, eighteen hundred and seventy-three, and recorded in the Oneida county clerk's office February five, eighteen hundred and seventy-four, in book number three hundred and forty-two of deeds, page four hundred and forty-one, is hereby released to Ellen Minihan, widow of the said Dennis Minihan, her heirs and assigns forever. Utica released.

§ 2. Nothing herein contained shall be construed to impair, discharge or release any claim, right or interest of any bona fide purchaser, heir-at-law or creditor, by mortgage, judgment or otherwise, in the said real estate. Proviso.

§ 3. This act shall take effect immediately.

Chap. 339.

AN ACT to legalize the acts of the commissioners of public works of the city of Rochester, and assessments made in pursuance thereof.

Passed May 6, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The validity of any act or proceeding of the commissioners of public works of the city of Rochester or of any assessments made in pursuance thereof shall not be and is hereby declared not to be affected by reason of Daniel Warner having acted as one of such commissioners; and all the acts and proceedings of such commissioners and all the assessments made in pursuance thereof are hereby confirmed and are declared to be and are valid and of full force and effect so far as the same may be affected by the said Warner's having acted as one of such commissioners. Acts of commissioners of public works legalized.

§ 2. This act shall take effect immediately.

Chap. 340.

AN ACT to punish persons personating members of police in the several cities of the State.

Passed May 6, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any person other than the members of the police department of any city in this State, who, with fraudulent design upon persons To personate members of the

police a
misdemeanor.

Punish-
ment.

or property, shall, at any time, have, use, wear or display the uniform, or any part thereof, or any of the emblems, signs, signals or devices adopted and used by any such police department or force, or falsely representing himself as being such a member, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than two hundred and fifty dollars, or by imprisonment for a term not exceeding six months.

§ 2. This act shall take effect immediately.

Chap. 341.

AN ACT to authorize the county clerk of Erie county to sign the record of deeds, mortgages, and other record of papers recorded in Erie county clerk's office, which were not signed by the former clerks of said county of Erie, and providing compensation for his services in that respect.

Passed May 6, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Clerk of
Erie county
may sign record
of deeds, &c.

SECTION 1. The Clerk of Erie county is hereby authorized to sign the record of all deeds, mortgages, and other papers recorded in the clerk's office of Erie county, which ought to have been, but which were not signed by any of the former clerks of said county; provided, each of such records is a complete and perfect record, with the exception of the signature of the clerk thereto, and the signature of the clerk thereto shall have the same force and effect as though said records had been signed by the said former clerks.

His compensation.

§ 2. The said clerk shall receive the same compensation for such signing as is allowed by law to county clerks for indexing records of deeds and mortgages, to be audited and allowed by the board of supervisors of the county of Erie.

Deduction from
fees of former clerk.

§ 3. The said board of supervisors of Erie county are hereby authorized to deduct from any moneys due from Erie county to James H. Fisher, late clerk of Erie county, for fees or services as such clerk, the amount which they may allow the present clerk of Erie county for signing records, left unsigned by the said James H. Fisher as such clerk.

§ 4. This act shall take effect immediately.

Chap. 342.

AN ACT to authorize the railroad commissioners of the town of Unadilla, in the county of Otsego, to borrow money and issue bonds, to redeem and pay the outstanding bonds of the said town.

Passed May 6, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Railroad
commissioners of

SECTION 1. Within three months before the principal sum upon any bonds which have been issued by the railroad commissioners of the town

of Unadilla, in the county of Otsego, to enable said town to subscribe for and take stock in the Albany and Susquehanna Railroad Company, shall become due, it shall be lawful for the railroad commissioners of the said town to borrow sufficient money, on the faith and credit of said town, to enable them, with such other means as they may have, to pay and redeem such present outstanding bonds thus becoming due within such three months.

§ 2. The railroad commissioners of the said town are hereby authorized to issue and sell, at not less than par, the bonds of the said town, signed by them as such commissioners, and countersigned and approved of by the supervisor and town clerk of the said town, for the amount which it shall be necessary to borrow under this act, which bonds shall be made payable at such times and places as the said commissioners shall determine, and not more than fifteen years from date, with interest at seven per cent. per annum, payable semi-annually.

§ 3. The said commissioners shall use and apply all the moneys which they shall raise by the sale of such bonds toward the payment and redemption of such outstanding bonds of said town as may first thereafter become due.

§ 4. All the provisions of law applicable to the present outstanding bonds of the said town, not inconsistent with this act, shall apply to the bonds issued and sold under this act, after said bonds are issued and sold as herein provided.

§ 5. This act shall take effect immediately.

Chap. 343.

AN ACT to authorize the Cary Cemetery Association to acquire additional lands for cemetery purposes.

Passed May 6, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The town of Oakfield in the county of Genesee is hereby authorized to sell and convey to the Cary Cemetery Association in said town, and the said Cary Cemetery Association is hereby authorized to acquire, take and hold, the burying ground adjoining the land which the said association now hold, and may use and improve the same in the same manner, with the same privileges and for the same purposes as contemplated by the act entitled "An act authorizing the incorporation of rural cemetery associations," passed April twenty-seventh, eighteen hundred and forty-seven, and the acts amendatory thereof.

§ 2. The owners of lots in said burying ground shall have the same privileges and rights, and be subject to the same by-laws, as are the owners of lots in the said Cary Cemetery Association.

§ 3. This act shall take effect immediately.

the town of Unadilla may borrow money and redeem bonds.

May issue bonds.

When payable.

Proceeds, how to be applied.

Existing provisions of law applicable.

Town of Oakfield authorized to convey lands to Cary Cemetery Association.

Rights of lot owners.

Chap. 344.

AN ACT to legalize the official acts of William R. Tanner, as notary public.

Passed May 6, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Official
acts of no-
tary legal-
ized.

SECTION 1. All the acts of William R. Tanner, residing in Medusa, Albany county and State of New York, done as notary public from March thirtieth, eighteen hundred and seventy-three, to March eighteenth, eighteen hundred and seventy-four, are hereby legalized and confirmed, so far as said acts would have been valid if the said William R. Tanner had been a duly appointed and qualified notary public during said period; but nothing herein contained shall affect any action or proceeding now pending in any court of this State.

§ 2. This act shall take effect immediately.

Chap. 345.

AN ACT in regard to publishing the account* of incorporated villages in this State.

Passed May 6, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Trustees
of incor-
porated
villages to
publish
annually
detailed
account
of money
received
and ex-
pended.

SECTION 1. It shall be the duty of the board of trustees of each of the incorporated villages of this State to cause to be published, once in each year, and twenty days next before the annual meeting in at least one public newspaper printed in such village, a full and detailed account of all money received by them, or the treasurer of said village, for the account and use thereof, and of all money expended therefor, giving the items of expenditure in full. Should there be no paper published in said village, they shall be required to publish the same by notice to the tax-payers, by posting in five public places in said incorporated limits.

Debt.

§ 2. Said annual report shall also state the funded and floating or temporary debt of said village.

§ 3. This act shall take effect immediately.

Chap. 346.

AN ACT to confirm the title of certain lands in the town of Newtown, Long Island, to the Newtown Young Men's Christian Association, and to release any claim of the State therein.

Passed May 6, 1874; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Title of
the State
to lands in

SECTION 1. All the estate, right, title and interest of the People of the State of New York, of, in and to the premises conveyed, or so

intended to be, by the surviving trustees of "The First Baptist Church in Newtown" to "The Newtown Young Men's Christian Association," by deed dated December nineteenth, eighteen hundred and sixty-six, and recorded in liber two hundred and sixty-one of conveyances, page four hundred and eleven, in the office of the clerk of Queens county, is hereby released to and vested in the said "The Newtown Young Men's Christian Association" their successors and assigns forever.

§ 2. Nothing herein contained shall release, discharge or impair any right, claim or interest of any creditor by mortgage or judgment, or of any heir-at-law or devisee in said real estate.

§ 3. This act to take effect immediately.

Chap. 347.

AN ACT to provide for the recording of certain deeds and mortgages in Queens county.

Passed May 7, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The clerk of Queens county is hereby authorized to transcribe into proper books, similar to the books in which records of deeds and mortgages are now made in his office, all records of deeds and mortgages of real estate recorded in the offices of any town clerk in said county and not already recorded in his office, and to prepare proper indices of the same. And the several town clerks in said county are directed to deliver to the county clerk of the said county, all records in their office for the purposes of this act. The records transcribed as provided in this act, or a transcript thereof duly certified may be read in evidence with the like force and effect as the original conveyance or instrument.

§ 2. The board of supervisors of said county of Queens are authorized and directed to furnish to said clerk, at the cost of said county, all books, papers and materials necessary to enable him to perform the services in this act provided for.

§ 3. The said clerk shall be entitled to charge and receive, for his services herein provided for, the same amounts now fixed by law for the recording of deeds and mortgages, which fees shall be chargeable against the county of Queens, and be allowed by the board of supervisors of said county, and be raised at the same time and in the same manner as the general tax of the said county is imposed and collected.

§ 4. This act shall take effect immediately.

Newtown released, &c.

Clerk of Queens county to transcribe certain records, &c.

Transcribed records or copies thereof, evidence.

Board of supervisors to furnish books, &c.

Clerk's fees a county charge.

Chap. 348.

AN ACT supplementary to an act entitled "An act to provide for the improvement of a certain highway in the town of Newtown, Queens county, and the city of Brooklyn, Kings county, and for the payment of property taken for such improvement," passed May seventeenth, eighteen hundred and seventy-two, and the act amendatory thereof, passed May sixth, eighteen hundred and seventy-three.

Passed May 7, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Commissioners may apply moneys raised or to be raised, to paving, &c., instead of macadamizing street.

Additional amount.

Carriage way and work. Money, how assessed, &c.

Commissioners to repair bridge. Expense thereof.

Not to interfere with rail.

SECTION 1. Upon the petition of the owners of property lying upon the line of the street or highway described in "An act to provide for the improvement of a certain highway in the town of Newtown, Queens county, and the city of Brooklyn, Kings county, and for the payment of property taken for such improvement," passed May seventeenth, eighteen hundred and seventy-two, between Bushwick avenue and the westerly bridge on said street or highway, representing the majority of the property fronting on said street and lying within a district of one hundred feet on each side thereof, to the commissioners appointed under said act, said commissioners are authorized to apply the moneys raised or to be raised under said act and the act amendatory thereof, passed May sixth, eighteen hundred and seventy-three, for macadamizing said street from Bushwick avenue to the first or westerly bridge thereon, for the purpose of paving, curbing and guttering said street within said limits, instead of macadamizing the same; and there shall be raised and expended by said commissioners, in the same manner authorized by said acts, an additional amount not exceeding eight thousand three hundred dollars for the purpose of completing such paving, curbing and guttering. The carriage way shall be forty feet wide, and all the work shall be done according to the specifications adopted by the city of Brooklyn for paving streets. Such money shall be assessed, levied, collected and paid over in the same way as provided in said acts for the amounts thereby assessed on property in Kings county, excepting that such additional amount of eight thousand three hundred dollars shall be assessed upon the district hereinbefore mentioned, to wit: one hundred feet on each side of said street, between Bushwick avenue and said first bridge, and all the provisions of said acts, so far as applicable, are hereby made applicable to the acts of or by the authority of said commissioners under this act.

§ 2. Said commissioners are hereby authorized to repair the easterly bridge on said street or highway, over Newtown creek, at an expense not to exceed one thousand dollars. Said commissioners shall include in their final report to the Supreme Court, provided for in the act of eighteen hundred and seventy-three to which this act is supplementary, a statement of the expense of such bridge, and the necessary money to pay the same shall be levied, collected and paid over as therein provided for the other expenses contained in said report.

§ 3. Between Brushwick avenue and the first or westerly bridge the said commissioners shall not interfere with the railroad track of The

North Second Street and Middle Village Railroad Company as now road operated by said company, as to location, but easterly of said first bridge track. on said highway the northerly railroad track shall be taken up by said Railroad company, on fifteen days' notice from said commissioners, and said railroad company shall have the right to relay said northerly track to take up track. at any time, but whenever the same shall be relaid it shall be placed at a distance of eighteen feet northerly from the present southerly track Where to be placed, when re-laid. of said railroad, whenever the roadway is of sufficient width therefor, and in no case at a less distance than ten feet from said southerly track. And until said northerly track is so relaid, said railroad may operate upon a single track and turn-outs, such turn-outs to be laid on the southerly side of the track at points to be designated by said company; Turnouts, where to be laid. and said commissioners are hereby directed to provide the road bed for such turn-outs. The paving required by the act to which this is supplementary, to be done by the railroad company, shall be laid down as the macadamizing of the road progresses. And in case said company hereafter lays down another track on said road, similar paving between the tracks and one foot outside thereof, shall be done by said company at the time of laying down such tracks. Paving to be done by railroad company, when to be laid.

§ 4. This act shall take effect immediately.

Chap. 349.

AN ACT to amend an act entitled "An act to incorporate the New York Floating Dry Dock Company," passed April eighteenth, eighteen hundred and forty-three.

Passed May 7, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Upon the written request of the stockholders owning a majority of the stock of the New York Floating Dry Dock Company, the directors of said company, at any stated meeting of the board of directors, may reduce the capital stock thereof to three hundred and fifty thousand dollars, and the shares of the said capital stock from one hundred dollars to fifty dollars, so that the capital stock thereof shall be three hundred and fifty thousand dollars, divided into seven thousand shares of fifty dollars each. Capital stock may be reduced.

§ 2. Section three of the said act entitled "An act to incorporate the New York Floating Dry Dock Company," is hereby amended so as to read as follows:

Section three of the act to incorporate the New York Floating Dry Dock Company is amended so as to read as follows:

The corporation hereby created shall be capable of purchasing, holding, conveying, locating or hiring such lands, tenements and hereditaments as may be necessary and convenient to carry into effect the objects of the said company, and it shall be lawful for the floating docks of the said company to be used, with the consent of the owners of the piers or bulkheads occupied for such use, or of the persons entitled to collect wharfage for such piers or bulkheads, for the purpose of taking up ships and vessels for repairs, coppering or finishing in the manner heretofore practiced in the port of New York, subject to any authority of the common council of the city of New York, by ordinance to regulate the use of the slips, piers and wharves of said city. Powers as to real estate.

§ 3. This act shall take effect immediately.

Chap. 350.

AN ACT further to provide for the payment of certain certificates issued to the militia of the State for services in the war of eighteen hundred and twelve.

Passed May 7, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Additional appropriation.

SECTION 1. The additional sum of one hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money which shall be in the treasury not otherwise appropriated, to be apportioned, paid out and disbursed in all respects, as is provided in the act entitled "An act to provide for the payment of certain certificates issued to the militia of the State for services in the war of eighteen hundred and twelve, and which certificates are now held by residents of this State named therein," passed May first, eighteen hundred and sixty-nine, and also as provided in an act entitled "An act further to provide for the payment of certain certificates issued to the militia of the State for services in the war of eighteen hundred and twelve," passed April twenty-ninth, eighteen hundred and seventy, except as the same may be otherwise herein directed.

Distribution, how to be made.

§ 2. In making the distribution of the money hereby appropriated among the persons entitled thereto aforesaid, there shall first be appropriated and paid to those first entitled under the acts aforesaid, who have not received any money under either of said acts, a sum equal to ninety-one dollars and fifty-two cents on each one hundred dollars of the respective certificates, and the residue of the said sum shall be apportioned and paid to those entitled by the terms of the acts aforesaid and in the order in said acts prescribed.

§ 3. This act shall take effect immediately.

Chap. 351.

AN ACT to amend chapter three hundred and twelve of the laws of eighteen hundred and fifty-nine, entitled "An act to equalize the State tax among the several counties in this State," and to amend chapter three hundred and twenty-seven of the laws of eighteen hundred and seventy-three amendatory thereof.

Passed May 7, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section fifteen of chapter three hundred and twelve of the laws of eighteen hundred and fifty-nine, entitled "An act to equalize the State tax among the several counties in the State," being a section added to said act by chapter three hundred and twenty-seven of the laws of eighteen hundred and seventy-three, is hereby amended so as to read as follows:

§ 15. Whenever any appeal so made shall not be sustained, the costs and expenses arising therefrom and connected therewith shall be a charge upon the town, city or ward so appealing, which shall be audited by the board of supervisors, and levied upon the taxable property of said town, city or ward; and whenever any appeal so made shall be sustained, the Comptroller shall certify the reasonable costs and expenses arising therefrom and connected therewith on the part of the appellant, and such amount shall be audited by the board of supervisors, and levied upon and collected from the towns and cities of the county other than those by which the determination of the appeal are accredited, by means of an excess of valuation.

Appeal,
costs
thereof.

§ 2. This amendment shall apply to all appeals under the act aforesaid that have been decided by the Comptroller since said chapter three hundred and twenty-seven of the laws of eighteen hundred and seventy-three took effect, and the amount of costs and expenses that shall be certified under this amendment shall be audited and levied by the board of supervisors at the next annual meeting thereof after such costs and expenses shall be so certified.

Amend-
ment ap-
plicable
to former
appeals.

§ 3. Section nine of said act is hereby amended so as to read as follows:

§ 9. The amount of State tax which each county is to pay, so fixed and stated by the Comptroller as aforesaid, shall be assessed by the supervisors or other officers authorized to make the assessment of State taxes in the tax roll for the calendar year, in and for which the same shall have been ascertained and stated by the comptroller as aforesaid, and shall be included in and collected by the annual collection of taxes in the several counties in the manner prescribed by law; and if the board of supervisors or other officers authorized to make such assessment shall neglect or refuse to include and assess such tax, or any part thereof, in said assessment roll, then the Comptroller of the State may immediately proceed by mandamus before any court having jurisdiction to compel the board of supervisors or other officers required to make such assessment to do the same or make a new assessment for the same, which shall be collected as provided for the collection of other taxes.

Amount
of State
tax as
fixed by
the com-
ptroller to
be as-
sessed,
&c.

Mandamus
in case of
neglect
or refusal.

§ 4. Section ten of said chapter three hundred and twelve of the laws of eighteen hundred and fifty-nine is hereby amended so as to read as follows:

§ 10. The said State Assessors shall receive an annual salary of two thousand five hundred dollars each, and not to exceed five hundred dollars each for other expenses, while engaged in the discharge of their official duties.

Salary of
State as-
sessors.

§ 5. All appeals that shall be hereafter brought under the provisions of the acts hereby amended shall be to the State Assessors instead of the Comptroller, and as to such and all appeals pending under said act upon the hearing of which the Comptroller has not entered, the State Assessors are vested with and shall exercise all the powers, and discharge all the duties, that by said act and the amendments thereof are vested in or imposed upon the Comptroller, in lieu of said Comptroller, and when any appeal shall hereafter be brought, a notice of such appeal shall be served on the State Assessors by filing the same in the office of the Secretary of State within the same time that it is now required to be filed with the county clerk.

All ap-
peals to
be to State
assessors.

Notice
thereof.

§ 6. This act shall take effect immediately.

Chap. 352.

AN ACT to amend an act entitled "An act relating to the preservation of speckled brook trout within the counties of Tioga and Tompkins, State of New York," passed June twelfth, eighteen hundred and seventy-three.

Passed May 7, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four, chapter seven hundred and forty of the laws of eighteen hundred and seventy-three, is hereby amended so as to read as follows:

Prohibition not to apply to private trout ponds.

§ 4. None of the provisions of this act shall apply to or affect the streams or waters upon the premises now owned or occupied by any individual or individuals in said counties, especially used for the propagation, production or culture of speckled trout, said waters being known as private trout ponds or streams, nor to any fish taken therefrom with consent of said owner or occupant.

§ 8. This act shall take effect immediately.

Chap. 353.

AN ACT to authorize the inhabitants of the village of Willink to vote on the question of a change of name.

Passed May 7, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Electors may change village name.

Ballots, form of.

Certificate to be made and filed.

SECTION 1. At a special election in the village of Willink, to be held on the second day of June, eighteen hundred and seventy-four, the electors of said village shall have power to determine by vote whether the name of such village shall thereafter be Willink or East Aurora, which vote shall be determined by ballot. If a majority of the ballots so cast shall contain the name of Willink, the said village shall continue to be known by that name. If a majority of the ballots so cast shall contain the name of East Aurora, the inspectors of said election shall make a certificate reciting the said election, and the result thereof shall be filed in the office of the clerk of the county of Erie, and a duplicate in the office of the clerk of said village, and the incorporation shall thereafter be known by the name of the village of East Aurora.

§ 2. This act shall take effect immediately.

Chap. 354.

AN ACT authorizing the city of Albany to close a part of Exchange street in said city.

Passed May 7, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The city of Albany is hereby empowered, by a vote of its common council, to discontinue and close Exchange street, between Broadway and Dean street, in said city, whenever the property fronting on that portion thereof shall become vested in the United States of America; and on discontinuance and closing of said street, the said the United States of America shall have the right to take possession of, use, occupy, improve, enjoy and hold the lands forming that part of said street which is so discontinued and closed.

§ 2. This act shall take effect immediately.

Chap. 355.

AN ACT to release the interest of the People of the State of New York in certain real estate to Charles Durring.

Passed May 7, 1874; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the estate, right, title and interest of the People of the State of New York, acquired by escheat by reason of the alienage of Sophia Durring, deceased, or Louis Durring, her son, both or either of, in and to the house and lot of land situate in the city of Brooklyn, county of Kings, known as number forty-one Bond street in said city, and particularly described in a deed thereof executed by said Louis Durring to Charles Durring, and which deed was recorded in the Kings county register's office, in liber one thousand and ninety-five of conveyances, page three hundred and thirty-six, is hereby released to and vested in said Charles Durring.

§ 2. Nothing herein contained shall affect or impair the right or interest of any heir-at-law, devisee, grantee, judgment creditor or mortgagee in or to the premises herein mentioned.

§ 3. This act shall take effect immediately.

Chap. 356.

AN ACT in relation to the redemption of real estate sold for the non-payment of assessments in the city of Albany.

Passed May 7, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. No sale for real estate hereafter made for the non-payment of any assessment in the city of Albany shall destroy or in any

to affect mortgage lien.

Purchaser to give mortgage notice.

If payment be made, sale to be of no effect.

Effect of non-payment.

Terms mortgagee and purchaser defined.

Notice, how given.

Notice, duty of purchaser as to.

manner affect the lien of any mortgage thereon duly recorded, except as hereinafter provided.

§ 2. It shall be the duty of the purchaser at such sale to give the mortgagee a written notice of such sale, requiring him to pay the amount of the purchase-money with interest at the rate allowed by law thereon within six months after the giving of such notice.

§ 3. If such payment shall be made the sale shall be of no further effect and the mortgagee shall have a lien on the premises for the amount paid with the interest which may thereafter accrue thereon, at the rate of seven per cent. per annum, in like manner as if the same had been included in his mortgage.

§ 4. In case the mortgagee shall fail to make such payment within the time so limited he shall not be entitled to any benefit of section one of this act.

§ 5. The term mortgagee, as used in this act, shall be construed to include assignees whose assignment shall be duly recorded, and personal representatives; and the term purchaser shall be construed to include assignees, and real and personal representatives, as the case may be.

§ 6. The notice required by section two of this act may be given either personally or in the manner required by law in respect to notices of non-acceptance or non-payment of notes, or bills of exchange, and a notarial certificate thereof shall be presumptive evidence of the fact; such certificate may be recorded in the clerk's office of the county of Albany in the same manner and with the same effect as is by law prescribed in respect to deeds or other evidences of title to real estate.

§ 7. In all cases of lands hereafter to be sold for arrears of assessments in said city of Albany, it shall be the duty of the purchaser, or of the person claiming under him to give the owner or occupant the notice required by section two of this act.

§ 8. This act shall take effect immediately.

Chap. 357.

AN ACT to amend chapter two hundred and forty-nine of the laws of eighteen hundred and sixty-four, entitled "An act to amend an act entitled 'An act to provide for the incorporation of villages,' passed December seventh, eighteen hundred and forty-seven, and the several acts amendatory thereof, so far as the same relates to the village of New Rochelle, in the county of Westchester."

Passed May 7, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Chapter two hundred and forty-nine of the laws of eighteen hundred and sixty-four, entitled "An act to amend an act entitled 'An act to provide for the incorporation of villages,' passed December seventh, eighteen hundred and forty-seven, and the several acts amendatory thereof, so far as the same relates to the village of New Rochelle, in the county of Westchester," is hereby amended by adding at the end of article five of said chapter a new section, to be known as section thirty-two, and which shall read as follows:

Owners to construct and keep

§ 32. It shall be the duty of the owners and occupants of lands fronting on any of the streets or avenues in said village to construct and

keep in repair the curbs and gutters in front of their respective lots, in such manner, and at such times, and of such material as the said trustees may, by a by-law, resolution or ordinance for that purpose, legally direct, and if any such owner or occupant shall refuse or neglect to construct the curb or gutter opposite to or fronting on the lot or lots owned or occupied by him as aforesaid, when so directed to do by the said trustees, then in either case it shall be lawful for the trustees to cause such curb and gutters to be so constructed or repaired, for or on account of the owner of such lots, and such owner and such lots shall be liable to pay the expenses of such construction or repairs, and all sums so expended upon any curb, not exceeding the rate of fifty cents per lineal foot; and all sums so expended upon any gutter, not exceeding the rate of fifty cents per lineal foot, in any one year, after being audited by the trustees, by a vote of the board of trustees, shall thenceforth be a lien, assessment, or tax to that amount upon every such lot, and thereupon it shall be lawful for the said board to issue to the collector of taxes and assessments their warrant, returnable in thirty days, for the collection thereof, out of the goods and chattels of the persons legally liable to pay the same; and if such warrant shall be returned unsatisfied, in whole or in part, to advertise and sell such lot, in the manner prescribed in titles four and five of this act, as in case of sale for the non-payment of assessments and taxes, and by the Revised Statutes in like cases; and the purchaser or purchasers, owner or owners, and his, her or their legal representatives, shall have the same rights and privileges as are given to them respectively, in and by the said title; all grading for gutters or curbs to be done at the expense of the village whenever ordered to be constructed by the trustees of the village.

in repair curbs, &c., front of their lots.

In case of refusal or neglect, trustees may cause the same to be done.

Expenses thereof a lien.

Trustees may issue warrant for collection thereof.

Lot may be sold.

Grading.

§ 2. This act shall take effect immediately.

Chap. 358.

AN ACT to amend section six of chapter seventy-six of the laws of eighteen hundred and fifty, entitled "An act to revise and consolidate the laws in relation to the village of Whitehall," passed March sixteen, eighteen hundred and fifty.

Passed May 7, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of chapter seventy-six of the laws of eighteen hundred and fifty is hereby amended by adding at the close thereof the following provisions:

The trustees of said village shall not contract indebtedness nor incur liabilities on behalf of said village, in any one year, exceeding in gross the sum of five hundred dollars, until the moneys necessary for, and applicable to, the payment of such indebtedness and the discharge of such liabilities, have been duly voted at an annual or special meeting of said village, except that said trustees may contract indebtedness or incur liabilities for street purposes, until the amount of such indebtedness and liabilities shall equal the sum authorized to be raised as a highway tax by section sixteen of this act, as amended by chapter four hundred and seventy-one of the laws of eighteen hundred and sixty-nine.

Power of trustees to contract debt.

On resolution to raise money, who may vote.

§ 2. When at any annual or special meeting of said village a vote shall be taken on any motion or resolution to raise money, no person shall vote thereon unless he was assessed on the then last preceding assessment roll of said village after its review and correction.

Chap. 359.

AN ACT to make further provision for the audit and payment of the claims and expenses mentioned in chapter five hundred and eight of the laws of eighteen hundred and seventy-two, being the expenses of conducting civil and criminal suits and proceedings growing out of the frauds upon the treasury of the city and county of New York.

Passed May 7, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Board of supervisors to raise money by tax.

SECTION 1. The board of supervisors of the county of New York is hereby authorized and required to raise, by tax, upon the estates, real and personal, in the city and county of New York subject to taxation in the year eighteen hundred and seventy-four, twenty-five thousand dollars for the purposes hereinafter mentioned.

Money to be applied to payment of counsel fees.

§ 2. The said sum of twenty-five thousand dollars, in addition to the sums heretofore provided for by chapter five hundred and eight of the laws of eighteen hundred and seventy-two, and chapter six hundred and thirty-one of the laws eighteen hundred and seventy-three, shall be applied to the payment of the liabilities and expenses for counsel fees and otherwise, which have been or may be incurred by the Attorney-General and Charles O'Connor, or under their direction, in the conduct and prosecution of suits and criminal proceedings connected with or growing out of the alleged frauds mentioned in said act, chapter five hundred and eight of the laws of eighteen hundred and seventy-two; said liabilities shall be adjusted and paid by the comptroller of the city of New York, on production of accounts therefor, duly certified by the said Attorney-General, the said Charles O'Connor, and Samuel J. Tilden.

§ 3. This act shall take effect immediately.

Chap. 360.

AN ACT to authorize the paving of Bank street, between West street and Thirteenth avenue, in the city of New York, with Belgian or Trap block pavement.

Passed May 7, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Commissioners of public works to cause Bank

SECTION 1. The commissioner of public works of the city of New York is hereby authorized and directed to cause Bank street, between West street and Thirteenth avenue, in the city of New York, to be paved with Belgian or Trap block pavement, and crosswalks to be laid

where not now laid, and relaid where those now laid are, in the opinion of the commissioner of public works, not in good repair, or not upon a grade adapted to the grade of the proposed new pavement, under such directions and in such manner as the said commissioner of public works may deem expedient for the best interests of the city and of the property owners, provided, that if the cost of such work exceed one thousand dollars the same shall be done under contract awarded to the lowest bidder with adequate security as required by the charter, unless the common council by a three-fourth vote order otherwise.

street to
be paved.

If cost ex-
ceed \$1,-
000, to
be done
under
contract.

§ 2. The comptroller of the city of New York is hereby authorized and directed to advance the payment for the work authorized in this act, from what is known as the "street improvement fund," or proceeds of assessment bonds, in conformity with the ordinances of the city of New York regulating such payments.

Comptrol-
ler to ad-
vance
payment.

§ 3. The board of assessors of the city of New York are hereby authorized and directed to make a just and equitable assessment of the expense of conforming to the provisions of this act, among the owners of all the houses and lots intended to be benefited thereby, in proportion, as nearly as may be, to the advantages which each may be deemed to acquire.

Assessors
to assess
expense
among
owners of
property
benefited.

§ 4. This act shall take effect immediately.

Chap. 361.

AN ACT to enable the town of Hume, in the county of Allegany, to pay off its bonds before their maturity.

Passed May 7, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The town of Hume may redeem and cancel their bonds, issued in aid of the construction of the Belmont and Buffalo railroad, before such bonds fall due; provided such bonds have been negotiated by virtue of the contract under which they were issued.

Town
may re-
deem
bonds be-
fore due.

§ 2. The board of town auditors of said town, at their annual meeting for auditing town accounts in each year, may, by a resolution, to be adopted by them, provide for raising, by tax on said town, a sum, in their discretion, not exceeding two thousand dollars in any one year, over and above the amount now authorized by law for the payment of interest; and the board of supervisors of said county shall cause the amount specified in such resolution to be levied by tax on said town.

Board of
town and
auditors
may by resolu-
tion pro-
vide for
raising
necessary
sum by
tax.

§ 3. The money so raised and collected shall be paid by the collector of said town to the supervisor thereof, to be by him used to redeem such bonds as can be redeemed at eighty cents on the dollar.

§ 4. Such supervisor shall, each year, report to said town auditors, at their meetings on the Tuesday preceding the annual town meeting, the number and amount of bonds redeemed by him for the year preceding, and the amounts paid by him therefor, and such bonds so redeemed shall be canceled, in the presence of said board, by one of the railroad commissioners of said town, or, in the absence of such commissioner, by one of the justices of the peace composing said board, by writing across the face thereof the word "canceled," the date of cancellation, the amount paid therefor, exclusive of interest, and signed by such commissioner or justice of the peace. Such bonds so canceled shall be filed

by the town clerk of said town in his office, and a minute thereof entered by him in a book to be kept in such office for the purpose, such entry to contain the amount of bond, its number, and time of cancellation, and amount paid therefor, exclusive of interest.

§ 5. This act shall take effect immediately.

Chap. 362.

AN ACT to authorize the village of Mount Vernon to take, hold and convey certain lands.

Passed May 7, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Village of Mount Vernon authorized to take and hold land in said village.
May convey same.

Preliminary contract, &c.

Third and Fourth avenues not to be closed, &c.

SECTION 1. The village of Mount Vernon in the town of Eastchester, Westchester county, is hereby authorized and empowered to take a conveyance of, by deed of gift, and to hold the strip of land in said village bounded southerly by the center line of First street, northerly by the land of the New York, New Haven and Hartford Railroad Company, easterly by the continuation of the westerly line of Second avenue, and westerly by Sixth avenue, and to convey the same or any part thereof to the said railroad company for such consideration and upon such terms as may be agreed upon, and to enter into such preliminary contracts with reference to such conveyance to said company as may be necessary, and to contract with said company that no street or avenue other than Third avenue, Fourth avenue and Sixth avenue shall ever be laid out or extended upon or across any portion of the land so conveyed, or upon or across the tracks of said company between the westerly side of Second avenue and Sixth avenue in said village. Nor shall said Third avenue, Fourth avenue or Sixth avenue ever be closed or any proceedings taken by said village or other person or party to prevent the laying or extension of said avenues, or any or either of them, across the land so conveyed, or across the tracks of said company, without a special act of the Legislature for that purpose first had and obtained.

§ 2. This act shall take effect immediately.

Chap. 363.

AN ACT to amend an act entitled "An act to facilitate the construction of the New York and Oswego Midland Railroad," passed April fifth, one thousand eight hundred and sixty-six.

Passed May 7, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Commissioners to purchase bonds.

SECTION 1. It shall be the duty of the commissioners, with the money paid them in accordance with section eight of chapter three hundred and ninety-eight of the laws of eighteen hundred and sixty-six, to purchase the bonds issued by their respective town, village or city in aid of the construction of the New York and Oswego Midland Railroad,

when the same can be purchased, at or below the par value thereof; and if said bonds cannot be so purchased, then said commissioners shall, within thirty days after the receipt of said money, invest the same in State, city, town, county or village bonds issued pursuant to law of this State, United States bonds, or in bonds and mortgages upon unincumbered real estate within this State, worth, at least, twice the sum to be invested, exclusive of buildings, to be held by them and their successors in office, as a sinking fund for the purchase of said bonds issued in aid of said railroad, at their par value, or for the redemption of said bonds at their maturity; and said commissioners shall in like manner invest any and all interest which may from time to time accrue on said securities, as a part of said sinking fund.

If not, then to invest money.

Sinking fund.

Investment of interest.

§ 2. When any bonds are purchased, as provided in section one of this act, the commissioners shall cancel the same and cause them to be filed in the office of the clerk of their respective county, in the manner now provided for the cancellation and filing out of the coupons of said bonds.

Bonds to be cancelled and filed.

§ 3. This act shall take effect immediately.

Chap. 364.

AN ACT to authorize the town of Caldwell, in the county of Warren, to issue bonds to raise money to aid in building a court-house and other county buildings and to provide for the payment thereof.

Passed May 7, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The supervisor of the town of Caldwell, in the county of Warren, is hereby authorized to borrow on the faith and credit of said town, the sum of five thousand dollars. He shall issue bonds therefor under his hand and seal as supervisor, payable in five years with interest annually, one-fifth part of the principal and the interest on all remaining unpaid on the first day of March in each year. Said bonds shall be countersigned by the town clerk of said town. No bond or bonds issued in pursuance of this act shall be sold for less than the par value thereof. The moneys so borrowed shall be paid over to the county treasurer of said county, by said supervisor, to be used and expended by and under the direction and authority of the board of supervisors of said county, in building a new court-house, jail and county clerk's office upon the lot in said town of Caldwell that the said board of supervisors may designate; said town having authorized said indebtedness to be created by resolution adopted at a town meeting, held in and for said town on the second day of April, in the year eighteen hundred and seventy-two.

Supervisor or authorized to borrow money and issue bonds.

Bonds to be countersigned.

How to be expended.

§ 2. Said supervisor shall, in each year during said five years, report to the board of supervisors in the county of Warren, the amount of principal and interest to become due the ensuing year on said bonds. The said board of supervisors shall include the sum so reported in the tax and warrant issued by said board for the collection of town, county and State taxes, in said town of Caldwell; and the same shall be levied and collected by the collector of said town, and by him paid over to the

Supervisor or to report annually to board of supervisors.

Tax.

supervisor of said town, and by him applied to the payment of said bonds.

Town clerk to keep list of bonds.

§ 3. The said town clerk shall keep a list of all bonds countersigned by him issued under this act, containing date and amount, and when payable, and shall record said list in the office of the town clerk of said town upon the book of town records as the same are issued.

Supervisor to report annually to board of auditors amount of moneys received.

To pay balance to successor.

Supervisor's bond.

§ 4. The said supervisor shall annually, and at the meeting of the board of town auditors of said town from and after the time said bonds shall be issued in pursuance thereof, and until all said bonds shall be paid, report to said auditors the amount of moneys received by him under this act, from what sources and the disposition and application thereof by him, with the vouchers therefor and said accounts shall be audited by said board of town auditors, and any balance remaining in said supervisor's hands shall be paid to his successor in office for the use of said town; and said supervisor, before issuing any bonds under this act, or borrowing any money, shall execute and deliver to said town a bond in the penalty of five thousand dollars with at least two sureties, to be approved by the board of town auditors of said town, conditioned for the prompt payment by him of all moneys which shall be borrowed pursuant to the provisions of this act to said treasurer. And the supervisor of said town of Caldwell shall annually during the said five years in which said bonds are payable and before receiving any moneys from the collector of said town under this act, execute and deliver to the said town of Caldwell a bond with like sureties to be approved by the board of town auditors in the penal sum of five thousand dollars conditioned for the faithful application of all moneys paid him by said collector under this act to the payment of said bonds and the interest thereon.

Money to be refunded to the town, if not used.

Supervisor's bond.

§ 5. In case said five thousand dollars, after being paid to the treasurer of said county, shall not be used for and toward building said county buildings on said lot within two years thereafter, then said moneys shall be refunded and paid over to the supervisor of said town for the use thereof; said supervisor and his successors, however, before receiving the same shall execute and deliver to said town a bond in the penalty with the sureties and approval aforesaid conditioned for the faithful application of said moneys to the payment of said bonds and interest, and the balance thereof, if any, after the payment of said bonds and interest, to such other lawful disposition thereof, for the benefit of said town, as may be legally directed.

§ 6. This act shall take effect immediately.

Chap. 365.

AN ACT to regulate the quality, supply and price of illuminating gas in the city of Poughkeepsie, and for the protection of manufacturers and consumers thereof.

Passed May 7, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Gas, quality and price of.

SECTION 1. Every person, corporation or company manufacturing and selling or furnishing for compensation, illuminating gas in the city of Poughkeepsie, shall furnish to the consumers at the place where the gas is consumed, a gas which, used through a burner consuming five cubic feet per hour, shall be of a brilliancy or illuminating power equiv-

alent to sixteen sperm candles, at a price not to exceed three dollars per thousand cubic feet for each thousand cubic feet of gas so furnished of sixteen standard candle power, the standard candle to be a sperm candle consuming one hundred and thirty-two grains per hour, the light of thirty-two hundred such standard candles, burning one hour, to be considered one thousand cubic feet of gas.

§ 2. Illuminating gas shall not be merchantable which has a minimum value of less than sixteen candles; that is, a burner consuming five cubic feet per hour shall give a light as measured by the photometric apparatus in ordinary use, of not less than sixteen sperm candles, each consuming one hundred and thirty-two grains per hour. Merchantable gas defined.

§ 3. Whenever it shall be proven that the quality of illuminating gas furnished by any corporation or individual in the city of Poughkeepsie, is below the standard as fixed in the preceding sections, such corporation or individual shall not be authorized to collect any compensation for the gas so furnished; and the person or persons who shall so prove before the mayor, recorder or any justice of the peace of said city, that such gas is not equal to the standard* as herein established, shall receive a reward of one hundred dollars, to be paid by the corporation or individual so convicted of violating the provisions of this act, and such corporation or individual shall also pay the costs of that court in case of conviction. Penalties for furnishing gas of a quality below the standard.

§ 4. Every gas meter supplied to consumers by such corporation or individuals shall bear a mark indicating the capacity of such meter and the date of its being tested; and whenever any consumer shall prove that the meter furnished him or her by said corporation or individual is wrongly marked, said corporation or individual shall not be authorized to collect any compensation for the gas furnished such consumer during the time that such meter has been in use; that is, since the date of its being tested. Gas meter.
Penalty for supplying meters wrongly marked.

§ 5. Such corporation or individual shall not be authorized to demand a deposit of more than five dollars in advance from any new consumer for the first week, and after that the price of the gas used by the said consumers for the first week* shall be the sum authorized to be so collected in advance, and such corporation or individual shall pay interest at seven per cent. on all deposits made under the provisions of this act. Deposit, amount which may be demanded.

§ 6. The board of aldermen of said city shall have power to grant a license to any such person, company or corporation to lay down pipes or mains in said city, at its discretion, and may impose* such conditions upon said license as they may see fit, and any breach of any such condition shall render such license revocable by such council. All rules and regulations for the furnishing of* stopping of gas in said city, by any gas company, and for the collection of gas rates, shall be uniform, and apply to all consumers alike, and all rules and regulations of aldermen shall apply to all companies alike. License to lay pipes, &c.
When revocable.

§ 7. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 8. This act shall take effect immediately.

* So in original.

Chap. 366.

AN ACT to confirm the election of officers for the village of Phelps, Ontario county.

Passed May 7, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Election
of village
officers le-
galized.

SECTION 1. The election of village officers for the village of Phelps, in the county of Ontario, held on the first Wednesday of March, eighteen hundred and seventy-four, is hereby in all respects legalized and confirmed, as if the three weeks' notice thereof and of the time of opening and closing the polls thereat had been given as required by law, and the act entitled "An act to provide for the incorporation of villages," passed December seventh, eighteen hundred and forty-seven.

Chap. 367.

AN ACT to extend the time for the building and completion of the Watkins and Havana Street Railway.

Passed May 7, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for the building and completion of the several parts of the Watkins and Havana Street Railway is hereby extended for the period of three years from the time now fixed by law for the building and completion of the same.

§ 2. This act shall take effect immediately.

Chap. 368.

AN ACT to extend the time for the completion of the railroad of the North Shore Railroad Company.

Passed May 7, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION. 1. The time for the completion of the railroad of the North Shore Railroad Company is hereby extended five years from the passage of this act.

§ 2. This act shall take effect immediately.

Chap. 369.

AN ACT to authorize the construction of a railroad in and through certain streets and avenues in the counties of Madison and Oneida.

Passed May 7, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. George Berry, Daniel G. Dorrance, Spencer Clark, Sidney Breece, Theodore F. Hand, H. W. Carpenter, Henry Wilson, Elisha G. Gray, Charles E. Stevens, and their assigns, and all other persons who shall become stockholders pursuant to this act shall be and they are hereby constituted a body corporate and politic, by the name of the "Oneida Horse Railroad Company," for the purpose of constructing, and they are hereby authorized to construct and lay a railroad track or tracks with necessary turnouts, sidings, and switches in and through certain streets, roads and avenues in the village of Durhamville, Oneida and Oneida Castle, in the counties of Madison and Oneida, commencing at the New York and Oswego Midland Railroad depot, in the village of Oneida, running westerly through Leonondoa and Madison streets to Main street; thence southerly through Main street to the Seneca turnpike; thence easterly on said turnpike through the village of Oneida Castle, as far as the Oneida Community silk and trap factory; thence southerly through the highway to the main buildings of said Oneida Community.

Corporators.

Corporate name.

Corporation authorized to construct railroad.

Route and terminl.

Also westerly from Main street, through Walnut street westerly to Seneca street; thence southerly on Seneca street to the fair grounds.

Also from Seneca turnpike southerly to the cemetery.

Also from Madison street, northerly through William street to Durhamville village; through South street to Church street to Broad street; thence through Broad street to Canal street, near canal bridge.

They shall first procure the consent of the proper village and town authorities having control of said streets, and nothing herein shall be construed as infringing upon the rights of any individual owner of property on said line. The capital stock of said company shall not exceed seventy-five thousand dollars, to be divided into shares of one hundred dollars each.

Consent of village and town authorities.

Capital stock.

§ 2. The persons first named in the first section of this act shall constitute the first board of directors, who shall hold their office for one year after the passage of this act, and until the first annual election of directors, provided said persons become stockholders in said road.

First board of directors and their term of office.

§ 3. The directors hereinbefore named, or such of their number as they may select, shall be commissioners, whose duty it shall be to open books to receive subscriptions to the capital stock of said company, and to issue stock in accordance with law.

Commissioners to receive subscriptions.

§ 4. Such railroad shall be constructed upon the most approved plan, and the said company shall keep the surface of the street inside the rails, and for one foot outside thereof, in good order.

Plan of construction, &c.

§ 5. The cars to be used on such railroad shall be drawn by animal power, and shall run as often as the public convenience may require.

Motive power.

§ 6. The said railroad shall be divided into divisions, as follows, namely:

Divisions.

Division number first being all that portion of said railroad north of

the New York Central and Hudson River Railroad Company's south line through said William street in Oneida, and in the village of Durhamville.

Division number second being all that portion of said railroad south of said south line of said New York Central and Hudson River Railroad Company, on said William street, and in the corporation of Oneida and Maine line, on Seneca turnpike, to said silk and trap factories.

Division number three being all that portion of said railroad between said silk and trap factories and the main buildings of said Oneida Community.

Division number four being all that portion of said railroad between Seneca turnpike and the cemetery.

Fare. § 7. Not more than five cents shall be charged passengers for riding any distance within the corporation limits of Oneida, and not more than twenty-five cents for riding over the whole length of the road.

License. § 8. The said company shall pay to the village of Oneida an annual license of one dollar for each car used upon said road.

Powers, privileges, &c. § 9. The said company shall possess all the powers and privileges, and be subject to all the provisions of the general railroad act passed April second, eighteen hundred and fifty, and the acts amendatory thereof, not inconsistent herewith, excepting the following sections, and any amendment thereof namely: Sections twenty-seven, thirty-four, thirty-eight, forty and forty-four. The said company shall make an annual report to the State Engineer and Surveyor of its business and affairs in manner and form required by law.

Annual report to State engineer.

Chap. 370.

AN ACT to release the interest of the People of the State of New York in certain real estate owned by John McKay, now deceased, in the county of Genesee, to Agnes Spark and Robert McKay.

Passed May 7, 1874; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Title of the State to lands in Genesee county released. SECTION 1. All the estate, right, title and interest of the People of the State of New York, in and to all lands in the county of Genesee and elsewhere in the State of New York, of which John McKay, late of Batavia, in said county of Genesee, died seized, is hereby released to Agnes Spark, so far as said lands or any interest therein were by the last will and testament of said John McKay deceased, devised to said Agnes Spark; and to Robert McKay such of said lands or any interest therein as to which said John McKay, died intestate, and the title of said parties, respectively, in and to said lands as aforesaid, is hereby confirmed in them, the same in all respects as though each had been at the time of the decease of said John McKay, a citizen of the United States.

Title confirmed. § 2. Nothing herein contained shall be so construed as to impair the right, claim or interest of any purchaser or any creditor, by mortgage, judgment or otherwise in or to said real estate.

Proviso. § 3. This act shall take effect immediately.

Chap. 371.

AN ACT authorizing the supervisors of the town of Pitcher to receive, collect and use certain moneys belonging to said town.

Passed May 7, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The supervisor of the town of Pitcher, in the county of Chenango, is hereby authorized to receive and collect all unexpended moneys raised by said town for the purpose of paying interest on any bonds of said town issued to aid the construction of any railroad, in whose hands the same may be, and to bring and prosecute in the name of said town any actions that may be necessary to collect the same; and said supervisor is further authorized to use said moneys for the purposes for which they were raised, or for such other purpose or purposes as the electors of said town may, by a majority vote, at any annual town meeting, appropriate the same.

§ 2. This act shall take effect immediately.

Chap. 372.

AN ACT to regulate fare on the Lansingburgh and Troy steam railroad.

Passed May 7, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Lansingburgh and Troy Steam Railroad Company may charge and collect, as compensation for carrying each passenger and his ordinary baggage, any distance on its road, a sum not exceeding six cents.

§ 2. This act shall take effect immediately.

Chap. 373.

AN ACT requiring the board of Supervisors of the county of Chenango to levy and assess upon the town of Pharsalia such sum not exceeding three hundred dollars and interest thereon, as such town shall vote to be raised, to be paid to Charles D. Geer, a volunteer.

Passed May 7, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of supervisors of the county of Chenango are hereby directed and required, at the annual session of the said board to be held in the year eighteen hundred and seventy-five to levy and assess tax upon the taxable property of the town of Pharsalia, in the said county,

Board of supervisors to levy and assess tax upon town

of Pharsalia.

Same to be paid to Charles D. Geer.

in the same manner as other taxes are levied and assessed, such sum of money not to exceed the sum of three hundred dollars and the interest thereon from the first day of December, eighteen hundred and sixty-three, as shall be voted to be raised for that purpose at the annual town meeting to be held in said town in the month of February, eighteen hundred and seventy-five; and the said sum so voted, levied and assessed shall be paid to Charles D. Geer, he having enlisted into the service of the United States on the said first day of December, eighteen hundred and sixty-three, and by reason of the quota of the said town of Pharsalia having been already filled, became a surplus man accredited to said town.

Chap. 374.

AN ACT in relation to the Iroquois Agricultural Society.

Passed May 8, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Trustees to be elected.

Election, when and where to be held.

Term of office.

Council to appoint inspectors.

If inspectors not appointed, life members may hold election.

Certificate.

Qualification of voters.

Annual meeting, when to be held, &c.

SECTION 1. There shall be an election of twelve trustees of the Iroquois Agricultural Society, incorporated by chapter four hundred and thirty-four of the laws of eighteen hundred and sixty-three held on the fair grounds heretofore occupied by said society, on Wednesday, the twentieth day of May next, and the twelve persons receiving the highest number of votes at such election shall immediately become the trustees of said society in the place and stead of the present trustees thereof, and shall hold their offices until the Tuesday after the first day of January next, or until their successors shall be duly elected.

§ 2. The council of the Seneca Indians of the Cattaraugus reservation is hereby authorized to appoint three inspectors to hold said election, and to prescribe the times of opening and of closing the polls on the day aforesaid; and if said council shall not appoint such inspectors and prescribe such times on or before the sixth day of May next, then the present life-members of said society, or so many of them as shall meet for that purpose on said fair grounds, on Wednesday, the twenty-ninth day of April next, at eleven o'clock in the forenoon, are hereby authorized to do so, and shall certify the same by a writing to be by them subscribed and delivered to the attorney of said Seneca Indians, who shall file the same in the office of the Secretary of State.

§ 3. At the election to be held on the twentieth day of May next, as provided in section one of this act, all male Indians over twenty-one years of age, dwelling on said reservation and that have cultivated each for himself ten acres of land the past season, shall be entitled to vote.

§ 4. Hereafter the annual meeting and election of trustees of said society shall be held on the Tuesday after the first day of January in each year on the fair grounds at eleven o'clock in the forenoon, and the trustees shall, every year at a regular meeting, appoint three inspectors of the next election, and may at any time fill any vacancy in their number that may occur by death, resignation or removal from the reservation; and if at the time of the election on the twentieth day of May next, or of any subsequent election one or more of the inspectors shall be absent then the life-members of said society then and there present shall, and may by a majority vote, appoint another or others in his or their stead.

§ 5. This act shall take effect immediately.

Chap. 375.

AN ACT to regulate the fare upon the Amsterdam Street Railroad, and the weight of rails to be used by them.

Passed May 8, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the Amsterdam Street Railroad Company to lay down, and use in the operation of its road, an iron rail of a weight not less than twenty-two pounds to the lineal yard. Weight of rails.

§ 2. It shall be lawful for said company to charge as compensation for carrying passengers upon said road a rate of four or not more than five cents per mile, or for any distance less than a mile. Fare.

Chap. 376.

AN ACT to amend "An act to revise, amend and consolidate the several acts in relation to the village of Salem, in the county of Washington," passed April seventeen, eighteen hundred and fifty-one, and the several acts amendatory thereof.

Passed May 8, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eighty-one of an act entitled "An act to revise, amend and consolidate the several acts in relation to the village of Salem, in the county of Washington," passed April seventeen, eighteen hundred and fifty-one, and the several acts amendatory thereof, is hereby amended so as to read as follows: Fees of collector.

§ 81. The collector shall receive for his services the same fees as are allowed by law to town collectors for similar services; in all cases such fees to be paid by the person against whom the tax shall be assessed. The treasurer shall receive one per cent. on all sums received and disbursed, one-half for receiving and one-half for paying, not, however, to exceed the sum of fifty dollars per annum, to be audited by said board, and paid out of the contingent fund. Fees of treasurer.

§ 2. This act shall take effect immediately.

Chap. 377.

AN ACT in relation to the Wallabout improvement in the city of Brooklyn.

Passed May 8, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The commissioners heretofore appointed in and by an act of the Legislature of the State of New York entitled "An act for the Commissioners and may

or to build docks.	improvement of lands in and near the Wallabout bay in the city of Brooklyn, and for laying out and constructing a basin, dock and streets therein," passed May eleventh, eighteen hundred and sixty-seven, together with the mayor of the city of Brooklyn, are hereby authorized and directed to construct and build docks on the northeasterly side of the Kent avenue basin between the centre line of Wilson street and the southeasterly end of the northeasterly abutment of the bridge at Washington avenue. The said docks to be built and constructed on a line as follows, viz: To commence at the northwesterly end and terminus of the present new docks recently constructed on the northeasterly side of the said Kent avenue basin by the said commissioners, at or near the center of Wilson street and to continue and run in a straight line from that point in a northwesterly course and direction to the northeasterly abutment of the bridge at Washington avenue, as it now exists, and to a point on the southeasterly end of the said abutment and back from the face of the said abutment a distance not less than ten feet nor more than twelve feet as may be deemed best by the said mayor and commissioners; and the said mayor and commissioners are further authorized and directed to remove all docks, cribs, piles and any and every obstruction and obstructions of every kind and nature whatsoever extending into said basin outside of the line of the docks to be built and constructed under the provisions of this act as heretofore described. No piling or obstruction of any kind shall be set or suffered to remain outside of said docks when finished. The said line of docks when built and finished on the line heretofore described shall form the northeasterly line or side of the said Kent avenue basin between the points before mentioned. The said commissioners and mayor are further authorized to remove such portions of the docks and bulk-heads now existing between the centre of Wilson street and said bridge abutments, as may be necessary so as to build and complete the new docks as set forth under the provisions of this act and to do all the necessary dredging for the removal of said docks and other obstructions and to deepen the water to the depth of fifteen feet at highwater in front of the docks hereby authorized to be constructed.
Line thereof.	
Existing docks, cribs and other obstructions may be removed.	
Expenses, one-half to be paid by property owners.	§ 2. One-half of the cost and expenses of the removal of the docks and obstructions now existing and of the construction of new docks as set forth under the provisions of this act, shall be borne and paid for by the owners of property fronting on the northeasterly side of the said Kent avenue basin between the centre line of Wilson street and the easterly side of Taylor street, and such costs and expenses shall be provided for in the first instance and thereafter assessed and paid by said property owners in the same manner as provided in and by chapter five hundred and forty-eight of the laws of eighteen hundred and sixty-eight, entitled "An act to amend an act entitled An act for the improvement of lands in and near the Wallabout bay in the city of Brooklyn, and for laying out and constructing a basin, dock and streets therein," passed May eleventh, eighteen hundred and sixty-seven, passed May second eighteen hundred and sixty-eight. The rest of the costs and expenses for all the works and improvements to be done, and provided for under the provisions of this act, shall become and form a part of the expense of the Kent avenue basin improvement, and shall be paid for by the city at large in the same manner as provided for in the last-named act, provided that the total amount of expenditure, for work to be done under this act shall not exceed the sum of ten thousand dollars.
How provided for, &c.	
Residue to be paid by the city at large.	
Improvement, when to	§ 3. The said commissioners and mayor shall proceed forthwith, to the completion of the Wallabout improvement as provided by this act,

and shall on or before the first day of August, eighteen hundred and seventy-four, deliver possession of all docks, wharves, basins, streets, bridges or other works of said improvements to the city of Brooklyn, file all books, papers, documents or maps in reference to the same, with the board of city works, pay over to the city treasurer all unexpended balances and moneys received from wharfage or from any other source in connection with said improvement, and remaining in their possession and make a full and final detailed report of their acts and expenditures since their last report with the items thereof in detail, the persons to whom payments were made and the vouchers therefor.

§ 4. All acts and parts of acts inconsistent herewith are hereby repealed.

§ 5. This act shall take effect immediately.

Chap. 378.

AN ACT to legalize and authorize the town of Westchester, in the county of Westchester, to raise money to alter and improve their fire engine.

Passed May 8, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The action of the annual town meeting held in the town of Westchester, in the county of Westchester, on the thirty-first day of March, one thousand eight hundred and seventy four, at which a resolution was passed to raise the sum of twelve hundred dollars on the taxable property of said town of Westchester, to alter and improve fire engine number one of said town, is hereby legalized and confirmed.

§ 2. The board of supervisors of the county of Westchester shall, at their next annual session, add the amount directed to be raised by the preceding section to the sum required to be assessed upon the taxable property of the said town of Westchester, and the same shall be assessed, levied and collected in the same manner and in the same proportions as are other expenses of the said town.

§ 3. The money thus collected shall, by the receiver of taxes of said town, be paid over to the supervisor of the said town, who with Marvin B. Baxter and Martin H. Gulvin, two of the members of said fire engine company, shall immediately apply the same to the alteration and improvement of said fire engine.

§ 4. This act shall take effect immediately.

Chap. 379.

AN ACT regulating the payment of accounts by the county treasurer of the county of Rensselaer, audited by the board of supervisors of said county.

Passed May 8, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Upon any account, bill or claim being audited by the board of supervisors of Rensselaer county, it shall be the duty of the clerk of such board to designate upon every such account, bill or claim

be completed, &c.

Action of town meeting legalized.

Board of supervisors to assess amount upon town of Westchester.

Money, how to be applied.

Clerk of board of supervisors to designate.

ignate upon
on audited
bills the
time
when, and
amount
audited.

Not to be
paid un-
less veri-
fied.

To be sub-
ject to ex-
amina-
tion.

upon which any sum shall be audited and allowed, the time when, and the amount audited and allowed thereon, and to subscribe the same officially as the clerk of such board; and all such accounts, bills or claims upon which any sum shall be audited and allowed, and which audit and allowance has been designated thereon as hereinbefore required, shall be filed with and preserved by the county treasurer of said county upon the payment thereof. And no account, bill or claim shall be paid by such county treasurer, unless it shall be made out and verified according to the provisions of chapter four hundred and ninety of the Session Laws of eighteen hundred and forty-seven, and audited and designated according to the provisions of this act. Such vouchers filed by such county treasurer shall at all reasonable times be subject to examination by any tax-payer of said county.

§ 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 380.

AN ACT in relation to the high school in the city of Poughkeepsie.

Passed May 8, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Pough-
keepsie
high
school
subject to
visitation
and con-
trol of the
Regents.

To share
in distri-
bution of
literature
fund, &c.

SECTION 1. The Poughkeepsie high school, established by the board of education of the city of Poughkeepsie, pursuant to the provisions of the charter of said city, passed March twenty-eighth, eighteen hundred and fifty-four, and the amendments thereto, shall hereafter be subject to visitation and control of the Regents of the University, the same as the academic departments of union free schools, as provided by section twenty-three of title nine, chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four; and said Poughkeepsie high school shall hereafter share in the annual distribution of the literature fund, and of all other moneys divided by the Regents of the University, in the same manner and to the same extent, as other academies and the academic departments of union free schools.

§ 2. This act shall take effect immediately.

Chap. 381.

AN ACT to authorize the Canal Commissioners to construct a swing, hoist or turn-table bridge over the Erie canal, on Salina street, in the city of Syracuse, and to use the materials of the old bridge in constructing a bridge over said canal, to connect University avenue, heretofore called Walnut street, with Canal street, in said city.

Passed May 8, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Canal
commis-
sioners

SECTION 1. The Canal Commissioners are hereby authorized, if in their judgment it will not injuriously affect the navigation of the canal,

to construct a swing, hoist or turn-table bridge over the Erie canal, in the city of Syracuse, at a point on Salina street, in said city, where the same is intersected by the canal, in the place of the bridge now over said canal at the point aforesaid. Said bridge shall be located, as near as practicable, on the lines of the present bridge, and wholly within the lines of said Salina street. Its management shall be under the exclusive control of the Canal Commissioners, but all expenses of such management and control shall be paid wholly by the city of Syracuse, and in no form by the State.

may construct swing bridge.

Its location and management.

Expenses of management.

§ 2. The said Commissioners are hereby authorized to use so much of the materials in the abutments and superstructure of the old bridge as may be necessary, in the construction of a bridge over the Erie canal, to connect University avenue, formerly Walnut street, with Canal street, in said city.

Materials.

§ 3. This act shall take effect immediately.

Chap. 382.

AN ACT to authorize the Canal Commissioners to construct a swing, hoist or turn-table bridge over the Oswego canal, on Salina street, at its junction with Bridge street, in the city of Syracuse, and to use the materials of the old bridge in constructing a bridge over said canal to connect Danforth and Marsh streets in said city.

Passed May 8, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Canal Commissioners are hereby authorized, and if in their judgment it will not injuriously affect the navigation of the canal, to construct a swing, hoist or turn-table bridge over the Oswego canal, in the city of Syracuse, on Salina street, at its intersection with Bridge street, in place of the bridge now over said canal at the point aforesaid. Said bridge shall be located as near as practicable in the line of the present bridge, and wholly within the lines of Salina street. Its management shall be under the exclusive control of the Canal Commissioners, but all expenses of such management and control shall be paid wholly by the city of Syracuse and in no form by the State.

Canal commissioners may construct bridge.

Location and management.

§ 2. The said Commissioners are hereby authorized to use so much of the materials in the abutments and superstructure of the old bridge as may be necessary in the construction of a bridge over the Oswego canal to connect Danforth and Marsh streets in said city.

Materials.

§ 3. This act shall take effect immediately.

Chap. 383.

AN ACT to amend an act entitled "An act to provide for the appointment of a police justice of the village of Saratoga Springs," passed May fourteenth, eighteen hundred and forty-five, and the acts amendatory thereof, passed March twenty-seventh, eighteen hundred and fifty-seven, and May sixth, eighteen hundred and sixty-eight.

Passed May 8, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sixth section of chapter two hundred and ninety-four of the laws of eighteen hundred and forty-five, as amended by chapter two hundred and thirty-nine of the laws of eighteen hundred and fifty-seven, and as amended by chapter six hundred and twenty-nine of the laws of eighteen hundred and sixty-eight, is hereby amended so as to read as follows:

Police justice to receive salary in lieu of fees.

§ 6. The said police justice shall not be entitled to receive any fees for services performed under this act, but, in lieu thereof he shall receive an annual salary of one thousand dollars, which shall be allowed, raised and paid by the town of Saratoga Springs as other charges are allowed, raised and paid.

May appoint police officers.

§ 2. The police justice of Saratoga springs is hereby authorized and empowered, upon application of the president of the Saratoga Rowing Association to appoint not to exceed ten police officers * who shall have power and jurisdiction over all the waters and the shore for the distance of one-fourth of a mile from said water of Saratoga lake, to preserve order and enforce the laws of this State against gambling or otherwise for a period not to exceed ten days, at any one time.

Jurisdiction.

§ 3. The police justice of Saratoga Springs shall have jurisdiction over all persons brought before him by the police officers appointed pursuant to the second section of this act, for offenses committed upon the territory described in said section.

§ 4. This act shall take effect immediately.

Chap. 384.

AN ACT to amend an act entitled "An act to incorporate the New York Coal Exchange, and to confer certain powers upon it," passed June twelfth, eighteen hundred and seventy-three.

Passed May 8, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Time for organization

SECTION 1. The time for the organization of the company authorized by an act entitled "An act to incorporate the New York Coal Exchange,

* So in original.

and to confer certain powers upon it," passed June twelfth, eighteen hundred and seventy-three, is hereby extended for the term of one year from and after the passage of this act. don extended.

§ 2. This act shall take effect immediately.

Chap. 385.

AN ACT to authorize the Royalton Mountain Ridge Cemetery Association to purchase and convey certain lands in the town of Royalton, Niagara county.

Passed May 8, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Royalton Mountain Ridge Cemetery Association are hereby authorized and empowered to purchase the farm now owned by William Ladd adjoining said cemetery on the south-east and north, and after reserving such portion of said farm as in the discretion of the trustees are needed for burial purposes, shall have power to sell and convey the remainder of said farm. Association may purchase farm, &c.

§ 2. The president and secretary of said association shall have power to convey said land whenever a majority of the board of trustees by vote, shall deem it expedient to do so. President and secretary may convey.

§ 3. Immediately upon the conveyance of said land by said association, the said land shall be and become liable to taxation the same as if said premises had never been conveyed to said association. Taxation.

§ 4. This act shall take effect immediately.

Chap. 386.

AN ACT to amend an act entitled "An act to provide for the enrollment of the militia for the organization of the national guard of the State of New York, and for the public defense, and entitled the Military Code.

Passed May 8, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Sections twenty-five, one hundred and sixty-seven and one hundred and ninety-six of chapter eighty of the laws of eighteen hundred and seventy, entitled "*An act to amend an act entitled*" An act to provide for the enrollment of the militia, for the organization of the national guard of the State of New York, and for the public defense, and entitled the Military Code" are hereby amended so as to read as follows :

§ 25. The Adjutant-General shall have the rank of major-general, and in the corps of adjutants-general there shall be an assistant adjutant-general, with the rank of brigadier-general, and such acting assistant as shall be required may be appointed by the adjutant-general, with the approval of the Commander-in-chief; and to each division an Adjutant-general and assistant, &c.

assistant adjutant-general, with the rank of colonel, to be chief of staff; to each brigade an assistant adjutant-general, with the rank of lieutenant-colonel, to be chief of staff; and to each regiment an adjutant, with the rank of first lieutenant.

Salaries,
compensa-
tion and
expenses.

§ 167. The staff of the Commander-in-Chief (except the Adjutant-General, who shall be paid an annual salary of three thousand dollars and his necessary expenses), and the assistants in the several departments (except the assistant adjutant-general whose salary shall be fixed by the Commander-in-Chief at such sum as he may deem proper, and not to exceed thirty-five hundred dollars per annum), in lieu of all compensation and allowances heretofore provided by law, in time of peace, when upon actual duty under the provisions of this act, either at drills, parades, encampments, lake and sea coast defense duty, or otherwise, shall be paid such reasonable and just compensation, not exceeding the full pay and allowances of officers of the same rank in the army of the United States, as the Commander-in-Chief shall deem proper, and in no event to exceed the sum of twenty-five hundred dollars per annum, together with their necessary expenses and those of their departments, to be paid by the State upon the certificate of the Commander-in-Chief, showing a detailed statement of such services and expenses.

Regiment-
al or bat-
talion
court-mar-
tial.

§ 196. For the trial of non-commissioned officers, musicians and privates, the commandant of each brigade may, at any time, appoint a regimental or battalion court-martial for any regiment or battalion in his brigade, which court shall consist of the brigade judge advocate, except as provided in section one hundred and ninety-seven of this act.

Vacancy.

§ 2. Section one hundred and ninety-seven of said act is hereby amended by adding at the end thereof the following words: "Which vacancy shall be filled by, or new court consist of, an officer of the brigade staff whose rank is not below that of a captain."

§ 3. This act shall take effect immediately.

Chap. 387.

AN ACT relating to certain assessment proceedings in the city of Brooklyn, and providing for payment of work done thereunder.

Passed May 8, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

No local
assessment to be
laid for re-
pairing
Atlantic
avenue,
except,
&c.
Asses-
ment va-
cated.
Cost of
certain
work to be
included
in general
tax.

SECTION 1. No local assessment shall be laid or collected for repairing Atlantic avenue, between Flatbush avenue and Classon avenue, in the city of Brooklyn, except for the work petitioned for by the majority of the owners of property fronting on said avenue; and if any repairing assessment shall have been laid for other work than that so petitioned for before the passage of this act, then such assessment shall be and is hereby vacated and set aside and such assessment shall be relaid in such manner, only that the expense of the work petitioned for only shall be assessed. The cost of any such work done without such petition therefor shall be included in the general annual taxes of said city, in such year or years as may be determined by the board authorized by law to determine the sums necessary to defray the expenses and liabilities of said city for the ensuing calendar year.

No assess-
ment to be
laid for re-

§ 2. No local assessment shall be laid for the expense of removing watermains in said avenue, or engineering or inspecting expenses con-

nected therewith; and any amount included for such purposes in any local assessment heretofore laid shall be stricken out, and the amount of said local assessment, as so reduced only shall be levied and collected. The cost of said work of relaying water-pipes or mains, and for such engineering and inspecting shall be included in the general annual taxes imposed upon the city at large, in the same manner as is provided for expenses so to be included in the last section.

§ 3. The assessments for repaving said avenue between the points aforesaid shall be collected in five annual installments, with interest, namely: The first installment shall be payable upon the confirmation of said assessment; the second in one year thereafter; the third in two years thereafter; the fourth in three years thereafter; and the fifth at the expiration of four years thereafter; with each installment after the first, interest to be collected upon the whole amount unpaid. And said assessments, as so directed to be laid, are hereby confirmed, and shall be valid liens, and shall be laid and collected in the manner originally provided by law, except as is herein otherwise provided.

moving
water
mains, &c.

Cost of re-
laying wa-
ter pipes,
&c., to be
included
in tax.

Assess-
ments to
be collect-
ed in in-
stall-
ments.

Interest.
Assess-
ments con-
firm-
ed.

§ 4. This act shall take effect immediately.

Chap. 388.

AN ACT to incorporate the South American Trading Company.

Passed May 9, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. William H. T. Hughes, Henry A. Blyth, George H. Brewer, Townsend Scudder, and such other persons as may hereafter be associated with them, and their successors, are hereby constituted a body corporate under the name of the South American Trading Company, to be located in the city of New York, and such company shall possess and use all powers incidental to the transaction of the business herein provided for.

Corpora-
tors.

Corporate
name.

§ 2. The business of the company hereby created shall be that of trading in and between the ports of the United States of America and the various ports in South America, and for the purposes thereof the said company shall have power to buy, sell, consign and receive consignments of such goods, wares and merchandise as shall be needed by, or used in, or as may be the product of, either the United States or the various countries in South America; and for the purpose of developing the trade between these countries, the said company is authorized to buy and own, sell, charter or take up such vessels as may be necessary in the transactions of their trade.

Business
of compa-
ny.

Corporate
powers.

§ 3. The capital stock of said corporation shall be five hundred thousand dollars, in shares of one hundred dollars each. Said company may organize and proceed to business under its charter when two hundred and fifty thousand dollars of the amount of its capital shall have been subscribed and paid in, in cash.

Capital
stock.

When
company
may or-
ganize.

§ 4. The corporate powers of said corporation shall be exercised by a board of five directors, who shall elect from their number a president, and shall make the by-laws of said company; and the persons above named as corporators shall be directors for the first year after the com-

Board of
directors.
By-laws.

pany is entitled to do business, and until others are appointed or elected according to the by-laws adopted by said company.

Annual
statement
of affairs.

To be
filed.

Individual
liability.

Term of
existence.

§ 5. The said corporation hereby created shall, within twenty days from the first of January in each and every year of its existence, make a statement of its affairs, showing the amount of its assets, and also the amount of its liabilities, which statement shall be filed in the office of the clerk of the city and county of New York within twenty days from such first day of January, and unless so made and filed the stockholders of said company shall be individually liable for all the debts thereof.

§ 6. The corporation formed by this act shall continue for the period of thirty years, and be subject to all the provisions of title three, chapter eighteen, part first of the Revised Statutes.

§ 7. This act shall take effect immediately.

Chap. 389.

AN ACT to amend and supplementary to an act to incorporate the New York Eye Infirmary, passed March twenty-ninth, one thousand eight hundred and twenty-two, and the act amendatory thereof, passed April thirtieth, eighteen hundred and sixty-four.

Passed May 9, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of an act entitled "An act to incorporate the New York Eye Infirmary, passed March twenty-ninth, eighteen hundred and twenty-two," is hereby amended so as to read as follows:

Corpor-
ate name
and pow-
ers.

§ 1. Such persons as now are, or hereafter may become, members of the said institution shall be and are hereby ordained, constituted and appointed a body corporate and politic in fact and in name by the name of the "New York Eye and Ear Infirmary," and by that name they and their successors shall and may have possession, and shall be in law capable of suing and being sued, pleading and being impleaded, defending and being defended, in all courts and places whatsoever, in all manner of action and actions, suits, matters, complaints and causes whatsoever, and that they and their successors may have and use a common seal, and may change and alter the same at their pleasure, and also they and their successors, by the name and style of the New York Eye and Ear Infirmary, shall be capable in law of purchasing, holding and conveying real and personal estate, for the purposes of the incorporation and none other, which at any time shall not exceed the annual income of fifty thousand dollars.

Board of
directors,
classification
of, &c.

§ 2. The board of directors of the New York Eye and Ear Infirmary are hereby authorized so to classify the members thereof, by lot or otherwise, that one-third of their number shall go out of office at each annual election; that after such classification the next election of directors shall be for persons to fill the places of those only whose term of office shall, by the aforesaid classification, then expire, and for the purposes of making such classification the number of directors may be increased to twenty-four.

Addition-
al powers.

§ 3. In addition to the powers now possessed by the said infirmary it is hereby further authorized to treat and cure indigent persons afflicted with diseases of the throat.

§ 3. This act shall take effect immediately.

Chap. 390.

AN ACT to amend an act entitled "An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish," passed April twenty-sixth, eighteen hundred and seventy-one.

Passed May 9, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of the act entitled "An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish," passed April twenty-sixth, eighteen hundred and seventy-one, as amended April twenty-ninth, eighteen hundred and seventy-two, is hereby amended so as to read as follows:

§ 1. No person shall kill or chase any moose or wild deer in any part of the State save only during the months of September, October and November in any year. No person shall sell, expose for sale, transport, or have in his or her possession in this State after the same has been killed, any moose, wild deer or fresh venison, save only during the months of September, October, November, December and January. No person shall, at any time, in this State, kill any fawn during the time when it is in its spotted coat, or have in his or her possession the carcass or fresh skin of such fawn after the same shall have been killed. No person shall, in any part of this State, set any trap, spring gun or other device at any artificial salt lick or other place, for the purpose of trapping and killing any moose or deer. It shall not be lawful to pursue deer with hounds in the county of Steuben. It shall not be lawful for any person to kill or cause to be killed any wild deer in the county of Suffolk, except from the first day of November until the fifteenth day of November in each year. It shall not be lawful for any person, at any time, to kill or cause to be killed any wild deer while standing, walking, running, swimming or laying down in any of the waters, ponds or streams of the county of Suffolk. Any person offending against any of the preceding provisions of this section shall be deemed guilty of a misdemeanor, and in addition shall be liable to a penalty of fifty dollars for each moose or wild deer or fawn so killed or pursued or trapped, and for every spring gun so set, or moose or wild deer or fawn skin or fresh venison had in his or her possession, and may be proceeded against therefor in any county of the State in which the offender or prosecutor may reside.

No person to kill moose or deer, except in certain months.

Fawns not to be killed at certain times, &c.

Use of traps, &c.

Pursuing with hounds. In county of Suffolk.

§ 2. Section two of the act entitled "An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish," passed April twenty-sixth, eighteen hundred and seventy-one, as amended April twenty-ninth, eighteen hundred and seventy-two, is hereby amended so as to read as follows:

§ 2. No person shall kill or expose for sale or have in his or her possession after the same has been killed, any wild duck, goose or brant, between the first day of May and the first day of September, nor any wood duck between the first day of January and the first day of September, under a penalty of twenty-five dollars for each one killed or had in possession.

Wild ducks, geese, &c.

§ 3. This act shall take effect immediately.

Chap. 391.

AN ACT extending the time for collecting taxes in the village of Whitney's Point, in the county of Broome.

Passed May 9, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

If collect-
or pay
over mon-
eys col-
lected and
renews his
bond, time
for collec-
tion of tax
shall be
extended.

SECTION 1. If the collector of the village of Whitney's Point in the county of Broome, shall, within ten days after the passage of this act, pay to the proper officers all the moneys collected by him upon a tax roll and warrant issued to him by the board of trustees of said village on the twentieth day of October, eighteen hundred and seventy-three, and renew his bond to the satisfaction of said board, the time for the collection of said tax shall be extended to the first day of June next, and said tax so levied, and the balance of the sum to be so collected, is hereby declared to be legal and valid, but this act shall in no way affect any suit or legal proceeding commenced or now pending, for or against said incorporation.

§ 2. This act is to take effect immediately.

Chap. 392.

AN ACT to reappropriate moneys for construction of new work upon and extraordinary repairs of the canals of this State, and for payments of awards made by the Canal Appraisers.

Passed May 9, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Re-appro-
priation of
money for
construc-
tion of
new work,
&c., on
the ca-
nals.

SECTION 1. The unexpended balance of two million one hundred and eighty thousand six hundred and fifty-six dollars, appropriated by act chapter seven hundred and sixty-seven of the laws of eighteen hundred and seventy, entitled "An act to authorize a tax of one mill per dollar of valuation of the year eighteen hundred and seventy, for construction of new work upon and extraordinary repairs of the canals of this State," passed May ninth, eighteen hundred and seventy, and reappropriated by act chapter five hundred and nine of the laws of eighteen hundred and seventy-two, passed May fourth, eighteen hundred and seventy-two, being the sum of two hundred and one thousand eight hundred and fifty-five dollars and nine cents, or so much thereof as shall remain unexpended on the fourth day of May, eighteen hundred and seventy-four, is hereby reappropriated to the same objects on the three divisions of the canals as at present constituted, namely :

Western
division.

For new work and extraordinary repairs on the eastern division, the sum of seventy-five thousand one hundred and sixty-six dollars and seventy-four cents.

Middle di-
vision.

For new work and extraordinary repairs on the middle division, the sum of thirty-three thousand eight hundred and ninety-six dollars and sixty-six cents.

For new work and extraordinary repairs on the western division, the sum of ninety-two thousand seven hundred and ninety-one dollars and sixty-nine cents. Western division.

§ 2. The unexpended balance of one million four hundred and twenty-five thousand five hundred and ninety dollars and eighty-eight cents, appropriated by act chapter eight hundred and fifty of the laws of eighteen hundred and seventy-two, entitled "An act to authorize a tax of seven-tenths of a mill per dollar of valuation of the year eighteen hundred and seventy-two, for the construction of new work upon, and extraordinary repairs of, the canals of the State," passed May twenty-third, eighteen hundred and seventy-two, being the sum of four hundred and sixty-seven thousand two hundred and ninety-nine dollars and sixty-seven cents, or so much thereof as shall remain unexpended on the twenty-third day of May, eighteen hundred and seventy-four, is hereby reappropriated to the same objects, except as otherwise provided by chapter eleven, laws of eighteen hundred and seventy-four, namely: Unexpended balance re-appropriated. Objects.

For new work and extraordinary repairs on the eastern division of the canals, the sum of one hundred and twenty thousand and sixty-four dollars and sixty-eight cents. Eastern division.

For new work and extraordinary repairs on the middle division of the canals, the sum of one hundred and fifty-four thousand three hundred and seventy nine dollars and four cents. Middle division.

For new work and extraordinary repairs on the western division of the canals, the sum of one hundred and ninety-two thousand eight hundred and fifty-five dollars and ninety-five cents. Western division.

§ 3. The unexpended balance of one million eleven thousand one hundred and thirty-eight dollars and forty-two cents, appropriated by act chapter seven hundred and sixty-eight of the laws of eighteen hundred and seventy, entitled "An act to authorize a tax of seven-eighths of a mill per dollar of valuation for the payment of the awards of the Canal Appraisers and for supplying deficiencies in appropriations of eighteen hundred and sixty-eight and eighteen hundred and sixty-nine," passed May ninth, eighteen hundred and seventy, and reappropriated by act chapter five hundred and nine of the laws of eighteen hundred and seventy-two, passed May fourth, eighteen hundred and seventy-two, being the sum of two hundred and eight thousand two hundred and twenty-four dollars and eighty-seven cents, or so much thereof as shall remain unexpended on the fourth day of May, eighteen hundred and seventy-four, is hereby reappropriated to pay the awards made by the Canal Appraisers in the years eighteen hundred and sixty-eight and eighteen hundred and sixty-nine, and the interest thereon, or in payment of the amounts which may be awarded in lieu thereof on appeals from the original awards, by the Canal Board or by the Canal Appraisers on any rehearing of such cases. Unexpended balance re-appropriated to pay awards.

Chap. 393.

AN ACT to extend the time to complete the organization of the Atlantic Guarantee and Trust Company.

Passed May 9, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time within which the Atlantic Guarantee and Trust Company is required to complete its organization by law and by the act entitled "An act to incorporate the Atlantic Guarantee and Trust Company," passed June fourteenth, eighteen hundred and seventy-three, is hereby extended one year from the passage of this act.

§ 2. This act shall take effect immediately.

Chap. 394.

AN ACT to prevent the taking of fish from certain parts of the waters of the Esopus creek with any net, weir or trap of any kind, or set any trap, net, weir or pot, in said part of the waters of the Esopus creek with intent to catch fish.

Passed May 9, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

The taking of fish with net, &c., in certain part of Esopus creek forbidden.
Penalty.

SECTION 1. No person shall, at any time, take any fish with net, weir or trap of any kind, or set any trap, net, weir or pot with intent to catch fish in that part of the waters of the Esopus creek, lying between the natural dam at a place known as Glenerie, and the dam situate in the village of Saugerties. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and shall likewise be liable to a penalty of twenty-five dollars for each offense and ten dollars for each fish so taken.

Game constable to sue for penalty.

§ 2. The penalty to be recovered for the violation of this act shall be sued for in the name of the game constable of the town of Saugerties, in the same manner as is provided for in section thirty-one of chapter seven hundred and twenty-one of the game laws of eighteen hundred and seventy-one.

Repeal.

§ 3. All acts or parts of acts the provisions of which are inconsistent with this act are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 395.

AN ACT to amend an act entitled "An act to authorize the making and opening of a road or avenue from the intersection of the highway running east of Rockland Lake with the highway running from the lake to Rockland Lake Landing in the county of Rockland, to intersect the highway running from Upper Piermont to Orangeburgh," passed April twenty-first, A.D. eighteen hundred and seventy-one, as amended and extended by an act entitled as above, and "to extend Highland avenue south to the State line," passed April twenty-fourth, A.D. eighteen hundred and seventy-two, and to enlarge, confirm and extend the powers of the commissioners appointed by said act for the laying out, opening and constructing of said avenue.

Passed May 9, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The assessment for the building and construction of said Highland avenue, as contained in and made part of the report of the commissioners named in and appointed under the provisions of the act first above entitled, filed in the office of the town clerk of the towns of Orangetown and Clarkstown in said county of Rockland, respectively, on the twenty-ninth day of August, eighteen hundred and seventy-three, is hereby in all respects confirmed, and the same is hereby declared lawful and in all respects regular, and to be enforced notwithstanding any irregularity in form or substance in the making thereof, and said assessment is hereby declared to be legal, valid and of full force and effect; but nothing herein contained shall be construed to legalize or in any way affect any assessment from which an appeal has heretofore been taken. Assessment confirmed.

§ 2. The commissioners named in and appointed under the provisions of the act first herein above entitled, are hereby authorized and empowered, notwithstanding any of the provisions of said act, to proceed at once to enforce the collection of said assessment according and agreeable to the provisions of said act, and said assessment is hereby declared of full force and effect, and the several amounts assessed thereby, to and upon each and every owner, and the property named and described therein is hereby declared fixed and a lien on the respective parcels of land specified in such assessment, and in respect to which such assessment shall have been made; but this section shall not apply to any assessment from which an appeal has heretofore been taken, nor to the property upon which such assessment has been made nor to the issue thereof. Commissioners may enforce collection thereof.

§ 3. The commissioners named in and appointed under said act first above entitled, are hereby authorized and empowered to make such additional assessment upon the property within the prescribed limits as specified in said act as may be rendered necessary from pending litigation, or for the full and complete construction of said avenue according Assessment declared a lien.
Exception.
Commissioners may make additional assessment.

to the plans heretofore adopted by them under the provisions of said act, not exceeding the sum of five thousand dollars, which assessment when made shall become a lien and be enforced, and be made according to the provisions of said act and the amendments thereto herein contained.

§ 4. Section eleven of the act herein above entitled in the last paragraph thereof, is hereby amended so as to read as follows:

New commissioners of awards, how to make appraisal, &c. In the event that new commissioners of awards shall have been or may hereafter be appointed under the provisions of this section, and under such appointment shall be empowered and directed to make a new appraisal, assessment and award of damages in the cases for which they may be appointed, such commissioners of awards, so as last aforesaid, are hereby required and directed to proceed to make such appraisal, assessment and award according to and under the provisions of section eight of the act herein first above entitled, except that said commissioners of awards shall not be required to appraise or estimate the benefits which

Benefits.

Report of commissioners for building.

When final.

Construction.

any person or persons, or parties owning property within the limits prescribed for the assessment and apportionment mentioned in said act and the amendments thereto, except only so far forth as may relate to the persons or property in respect to which such new commissioners of awards shall have been or may be appointed, and it shall not be necessary for the commissioners for building said avenue to embody in the second report required to be executed and filed by them under the provisions of the section hereby amended, any matter or thing, except so far as the report of said commissioners of awards may change the report filed by said commissioners for building said avenue in pursuance of section ten of the act hereby amended, and said last report, when so filed, shall be final and conclusive upon all the parties interested, and as to whom said reappraisal, assessment and award for damages shall be directed.

§ 5. Nothing contained in these amendments shall be held to affect the provisions of the act first herein above entitled, so far forth as said provisions are extended to the building of said avenue south to the State line, by an act passed April twenty-fourth, A.D. eighteen hundred and seventy-two, or the amendments to either of said acts as contained in chapter two hundred and seventy-four of the laws of eighteen hundred and seventy-three.

§ 6. This act shall take effect immediately.

Chap. 396.

AN ACT to release the interest of the People of the State of New York in and to certain land situated in the county of Queens to Alexander B. C. Cranston and confirming certain conveyances made by him.

Passed May 9, 1874; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Title of State to land in Queens county released.

SECTION 1. All the estate, claim, right, title and interest of the People of this State in and to those four lots of land situated, lying and being in the town of Jamaica, in the county of Queens, in the State aforesaid, particularly described in two deeds from Joseph Wilde and Mary, his wife, to the said Alexander B. C. Cranston, one bearing date the tenth day of February, one thousand eight hundred and seventy-two,

and recorded in the office of the clerk of the said county of Queens in liber number four hundred and twenty of deeds, at page four hundred and fifty-five, on the twenty-third day of September, one thousand eight hundred and seventy-three, and the other bearing date the eighteenth day of May, in the year one thousand eight hundred and seventy-two, and recorded in the said clerk's office in liber four hundred and twenty of deeds, at page four hundred and fifty-eight, on the said twenty-third day of September in the year last aforesaid, is hereby released to the said Alexander B. C. Cranston and to his heirs and assigns; and all incumbrances by mortgage or otherwise by him given thereon are hereby confirmed.

§ 2. Nothing herein contained shall be construed to impair, release *Proviso.* or discharge any right, claim or interest of any creditor by mortgage, judgment or otherwise or by any heir-at-law or devisee in said real estate.

§ 3. This act shall take effect immediately.

Chap. 397.

AN ACT to release the interest of the People of the State of New York in certain real estate to John Waters and Catharine Waters.

Passed May 9, 1874; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the estate, right, title and interest of the People of the State of New York, acquired by escheat, by reason of the alienage of Patrick Waters, of, in and to certain real estate situated in the town of Augusta, Oneida county, and bounded and described as follows, namely: *Title of the State to lands in Oneida county released.*

All that certain piece or parcel of land situated in the village of Oriskany Falls, town of Augusta, county of Oneida and State of New York, being part of lot number sixty-one, first allotment of New Petersburg, bounded and described as follows, namely: Beginning in the center of the highway leading from the village of Oriskany Falls past the dwelling-house of John Hazard at the northeast corner of land now owned by the parties of the first part and now occupied by William Burlingame; thence westerly on said Burlingame's line to land owned by Mrs. McGough; thence northerly on said McGough's line to the center of a laneway leading past land owned by Ann Bell; thence easterly in and along the center of said laneway to the center of the highway aforesaid; thence southerly along the center of said highway to the place of beginning, containing one-half acre of land, be the same more or less; and the said laneway above mentioned is not to be closed up or in any manner obstructed, but is to remain open for travel as now used, is hereby released to and vested in John Waters and Catharine Waters, only children and heirs-at-law of Patrick Waters, deceased. *Laneway to remain open.*

§ 2. Nothing herein contained shall affect or impair the right or *Proviso.* interest of any heir-at-law, devisee, grantee, judgment creditor, or mortgagee, in or to the premises herein mentioned.

§ 3. This act shall take effect immediately.

to the plans heretofore adopted by them under the provisions of said act, not exceeding the sum of five thousand dollars, which assessment when made shall become a lien and be enforced, and be made according to the provisions of said act and the amendments thereto herein contained.

§ 4. Section eleven of the act herein above entitled in the last paragraph thereof, is hereby amended so as to read as follows:

New commissioners of awards, how to make appraisal, &c.

Benefits.

Report of commissioners for building.

When final.

Construction.

In the event that new commissioners of awards shall have been or may hereafter be appointed under the provisions of this section, and under such appointment shall be empowered and directed to make a new appraisal, assessment and award of damages in the cases for which they may be appointed, such commissioners of awards, so as last aforesaid, are hereby required and directed to proceed to make such appraisal, assessment and award according to and under the provisions of section eight of the act herein first above entitled, except that said commissioners of awards shall not be required to appraise or estimate the benefits which any person or persons, or parties owning property within the limits prescribed for the assessment and apportionment mentioned in said act and the amendments thereto, except only so far forth as may relate to the persons or property in respect to which such new commissioners of awards shall have been or may be appointed, and it shall not be necessary for the commissioners for building said avenue to embody in the second report required to be executed and filed by them under the provisions of the section hereby amended, any matter or thing, except so far as the report of said commissioners of awards may change the report filed by said commissioners for building said avenue in pursuance of section ten of the act hereby amended, and said last report, when so filed, shall be final and conclusive upon all the parties interested, and as to whom said reappraisal, assessment and award for damages shall be directed.

§ 5. Nothing contained in these amendments shall be held to affect the provisions of the act first herein above entitled, so far forth as said provisions are extended to the building of said avenue south to the State line, by an act passed April twenty-fourth, A.D. eighteen hundred and seventy-two, or the amendments to either of said acts as contained in chapter two hundred and seventy-four of the laws of eighteen hundred and seventy-three.

§ 6. This act shall take effect immediately.

Chap. 396.

AN ACT to release the interest of the People of the State of New York in and to certain land situated in the county of Queens to Alexander B. C. Cranston and confirming certain conveyances made by him.

Passed May 9, 1874; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Title of State to land in Queens county released.

SECTION 1. All the estate, claim, right, title and interest of the People of this State in and to those four lots of land situated, lying and being in the town of Jamaica, in the county of Queens, in the State aforesaid, particularly described in two deeds from Joseph Wilde and Mary, his wife, to the said Alexander B. C. Cranston, one bearing date the tenth day of February, one thousand eight hundred and seventy-two,

and recorded in the office of the clerk of the said county of Queens in liber number four hundred and twenty of deeds, at page four hundred and fifty-five, on the twenty-third day of September, one thousand eight hundred and seventy-three, and the other bearing date the eighteenth day of May, in the year one thousand eight hundred and seventy-two, and recorded in the said clerk's office in liber four hundred and twenty of deeds, at page four hundred and fifty-eight, on the said twenty-third day of September in the year last aforesaid, is hereby released to the said Alexander B. C. Cranston and to his heirs and assigns; and all incumbrances by mortgage or otherwise by him given thereon are hereby confirmed.

§ 2. Nothing herein contained shall be construed to impair, release Proviso. or discharge any right, claim or interest of any creditor by mortgage, judgment or otherwise or by any heir-at-law or devisee in said real estate.

§ 3. This act shall take effect immediately.

Chap. 397.

AN ACT to release the interest of the People of the State of New York in certain real estate to John Waters and Catharine Waters.

Passed May 9, 1874; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the estate, right, title and interest of the People of the State of New York, acquired by escheat, by reason of the alienage of Patrick Waters, of, in and to certain real estate situated in the town of Augusta, Oneida county, and bounded and described as follows, namely: Title of the State to lands in Oneida county released.

All that certain piece or parcel of land situated in the village of Oriskany Falls, town of Augusta, county of Oneida and State of New York, being part of lot number sixty-one, first allotment of New Petersburg, bounded and described as follows, namely: Beginning in the center of the highway leading from the village of Oriskany Falls past the dwelling-house of John Hazard at the northeast corner of land now owned by the parties of the first part and now occupied by William Burlingame; thence westerly on said Burlingame's line to land owned by Mrs. McGough; thence northerly on said McGough's line to the center of a laneway leading past land owned by Ann Bell; thence easterly in and along the center of said laneway to the center of the highway aforesaid; thence southerly along the center of said highway to the place of beginning, containing one-half acre of land, be the same more or less; and the said laneway above mentioned is not to be closed Laneway to remain open. up or in any manner obstructed, but is to remain open for travel as now used, is hereby released to and vested in John Waters and Catharine Waters, only children and heirs-at-law of Patrick Waters, deceased.

§ 2. Nothing herein contained shall affect or impair the right or Proviso. interest of any heir-at-law, devisee, grantee, judgment creditor, or mortgagee, in or to the premises herein mentioned.

§ 3. This act shall take effect immediately.

Chap. 398.

AN ACT to provide for the support of government and for other purposes.

Passed May 9, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The several amounts named in this act are hereby appropriated and authorized to be paid from the several funds indicated to the respective public officers, and for the several purposes specified, for the fiscal year beginning on the first day of October eighteen hundred and seventy-four, namely:

FROM THE GENERAL FUND—EXECUTIVE DEPARTMENT.

Governor.	For the Governor, for salary, four thousand dollars.
Private secretary.	For the Private Secretary of the Governor, for salary, three thousand five hundred dollars.
Clerks and messengers.	For the clerks and messengers in the Executive Department, for compensation, eight thousand two hundred dollars.
Governor's house.	For expenses of the house occupied by the Governor, five thousand dollars.
Furniture, printing, incidentals, &c.	For the Executive Department, for furniture, blank and other books necessary for the use of the department, binding, blanks, printing, stationery, telegraphing and other incidental expenses, two thousand five hundred dollars.
Apprehension of criminals.	For the Executive Department, for the apprehension of criminals pursuant to part one, chapter nine, title one, section fifteen of the Revised Statutes, one thousand dollars; for the apprehension of fugitives from justice, pursuant to part four, chapter two, title seven, section forty-five of the Revised Statutes, one thousand dollars.
Rent of governor's house.	For the rent of the Governor's house, four thousand dollars.

JUDICIARY—COURT OF APPEALS.

Judges of the court of appeals.	For judges of the Court of Appeals, for salaries and expenses, pursuant to chapter two hundred and three of the laws of eighteen hundred and seventy, and chapter seven hundred and eighteen of the laws of eighteen hundred and seventy-one, sixty-three thousand five hundred dollars.
Commissioners of appeals.	For the Commissioners of Appeals, for salaries and expenses, pursuant to chapter two hundred and three of the laws of eighteen hundred and seventy and chapter three of the laws of eighteen hundred and seventy-three, forty-five thousand dollars.
State reporter.	For State reporter, for salary, pursuant to chapter five hundred and forty-one of the laws of eighteen hundred and seventy-two, five thousand dollars; and for clerical help to State reporter, two thousand dollars.
Clerk of court of appeals.	For the Clerk of the Court of Appeals, for salary, five thousand dollars.
Deputy clerk.	For the deputy clerk of the Court of Appeals, for salary, three thousand dollars.
Messenger.	For the messenger to the clerk of the Court of Appeals, and the State Engineer and Surveyor (the same messenger), for his annual salary, eight hundred dollars.

For clerks in the office of the clerk of the Court of Appeals, for salaries, four thousand five hundred dollars. Clerks in office.

For furniture, books, binding, printing calendar and other necessary expenses of the office of the clerk of the Court of Appeals, twenty-five hundred dollars. Furniture, printing, &c.

For compensation of criers and attendants for the Court of Appeals and Commissioners of Appeals, five thousand dollars. Criers and attendants.

For the clerk of the Commissioners of Appeals, for salary, thirty-five hundred dollars. Clerk of commissioners of appeals.

For compensation of the assistant clerk and messenger, and office expenses in the office of the Clerk of the Commissioners of Appeals, twenty-one hundred dollars. Assistant clerk, &c.

SUPREME COURT.

For Justices of the Supreme Court, for salaries and expenses, two hundred and thirty-one thousand six hundred dollars. The stenographers provided for in chapter seven hundred of the laws of eighteen hundred and seventy-one shall hereafter be paid by the treasurers of the respective counties from the court fund, or the fund from which the jurors are paid, upon the certificate of the presiding justice. Judges of supreme court. Stenographers.

For the expenses of the general terms of the Supreme Court, five thousand dollars. General terms.

For the Attorney-General, for salary, two thousand dollars. Attorney-general.

For the deputy Attorney-General, for salary, three thousand five hundred dollars. Deputy.

For clerk and messenger, in the office of Attorney-General, for salaries, two thousand dollars. Clerk and messenger.

For furniture, books, binding, blanks, printing and other necessary expenses of the office of the Attorney-General, five hundred dollars. Furniture, books, &c.

For costs of suits, fees of sheriffs, compensation of witnesses, and for expenses and disbursements by the Attorney-General, two thousand dollars. Costs, &c.

For compensation of counsel employed to assist the Attorney-General, three thousand dollars. Counsel.

For expenses of the Attorney-General, pursuant to part one, chapter eight, title five, section six of the Revised Statutes, one thousand dollars, or so much thereof as may be proper; the amount to be certified by the Governor. All costs adjudged to the People of this State, in actions prosecuted or defended by the Attorney-General, may be applied by him, in his discretion, to any of the purposes for which appropriations are hereinbefore made in relation to his office, and the Attorney-General shall, at the close of each fiscal year, render to the Comptroller an account of such costs received, with vouchers of such expenditures. Expenses of attorney-general. Costs adjudged to the people. Account of.

OFFICE OF THE SECRETARY OF STATE.

For the Secretary of State, for salary, two thousand five hundred dollars. Secretary of State.

For the deputy Secretary of State, and clerk of the commissioners of the land office, for salary, and for indexing and making marginal notes of the session laws, thirty-five hundred dollars; and no other or further compensation shall hereafter be allowed in the supply bill, or by the commissioners of the land office. Deputy.

For clerks in the office of the Secretary of State, for salaries, sixteen thousand five hundred dollars. Clerk hire.

For messenger in the office of Secretary of State, for salary, eight hundred dollars. Messenger.

Furniture, printing, &c. For furniture, blank and other books, binding, blanks, printing and other necessary expenses of the Secretary of State's office, two thousand dollars.

COMPTROLLER'S OFFICE.

Comptroller. For the Comptroller, for salary, two thousand five hundred dollars.
Deputy. For the deputy Comptroller, for salary, two thousand dollars.
Second deputy. For second deputy Comptroller, for salary, three thousand five hundred dollars.
Clerk hire. For clerks in the office of the Comptroller, for salaries, twenty-six thousand five hundred dollars.
Messenger. For messenger in the office of the Comptroller, for salary, six hundred dollars.
Furniture, books, &c. For furniture, books, binding, blanks, printing and other necessary expenses of the office of the Comptroller, two thousand dollars.

TREASURER'S OFFICE.

Treasurer. For the Treasurer, for salary, one thousand five hundred dollars, and for compensation for countersigning transfers and assignments of securities made in the Banking and Insurance Departments, one thousand dollars, one-half thereof to be refunded to the treasury, pursuant to chapter one hundred and three of the laws of eighteen hundred and fifty-seven, and the other one-half thereof to be refunded to the treasury by the several insurance companies, associations, persons and agents, pursuant to chapter three hundred and sixty-six of the laws of eighteen hundred and fifty-nine; and section five of said chapter one hundred and three, of the laws of eighteen hundred and fifty-seven, is hereby amended so that hereafter but five hundred dollars of the one thousand dollars of salary therein allowed to the Treasurer, shall be charged to the Banking Department, and the other one-half thereof shall hereafter be charged to the Insurance Department as above specified.
Deputy. For the deputy Treasurer, for salary, three thousand five hundred dollars.
Clerk hire. For clerks in the office of the Treasurer, for salaries, eight thousand dollars.
Furniture, books, &c. For furniture, books, binding, printing, extra clerk hire and other necessary expenses of the office of the Treasurer, eight hundred dollars.

DEPARTMENT OF PUBLIC INSTRUCTION.

Superintendent of public instruction. For the Superintendent of Public Instruction, for salary, five thousand dollars.
Deputy. For the deputy Superintendent of Public Instruction, for salary, three thousand dollars.
Clerk hire. For clerks in the office of the Superintendent of Public Instruction, for salaries, eight thousand six hundred and seventy-five dollars.
Furniture, books, &c. For furniture, books, binding, blanks, printing and other necessary expenses in the office of the Superintendent of Public Instruction, one thousand dollars.

STATE ENGINEER AND SURVEYOR'S OFFICE.

Deputy State engineer and surveyor. For the deputy State Engineer and Surveyor, for salary, three thousand five hundred dollars.
Clerks to prepare report. For compensation of clerks to assist in the preparation of railroad reports, twenty-two hundred dollars, and for the expenses of printing and binding said reports, five thousand dollars. The salary of the

deputy State Engineer and Surveyor, together with the compensation of the clerks aforesaid, and the expenses of printing and binding aforesaid, to be refunded and paid by the several railroad companies in the manner and form provided in chapter five hundred and twenty-six of the laws of eighteen hundred and fifty-five, and the several acts of the Legislature in relation thereto; and in case of any default in the payment by the respective railroad companies of the amounts heretofore or hereafter assessed against them respectively, under the acts aforesaid, the Comptroller is hereby authorized to issue his warrant for the collection thereof in the manner provided in said chapter five hundred and twenty-six of the laws of eighteen hundred and fifty-five.

To be refunded.

For clerks in the office of the State Engineer and Surveyor, for salaries, thirty-five hundred dollars.

Clerk hire in office.

For furniture, books, binding, blanks, printing and other necessary expenses of the office of the State Engineer and Surveyor, five hundred dollars.

Furniture, books, &c.

For James Hall as State Geologist, as compensation for authorship, the superintendents of drawings and engravings, for clerk hire and the use of working rooms for the arranging, labeling and distribution of the duplicate fossils and minerals as fixed by the Lieutenant-Governor, Comptroller and Secretary of State, pursuant to chapter seven hundred and fifteen, of the laws of eighteen hundred and seventy-one, twenty-five hundred dollars.

State geologist.

BANKING DEPARTMENT.

For the Superintendent of the Banking Department, for salary, five thousand dollars, payable monthly on warrant of the Comptroller.

Superintendent of banking department, deputy, &c.

For compensation of deputy, clerk hire, furniture, books, binding, blanks, printing and other necessary expenses of the office of the Superintendent of the Banking Department, twelve thousand dollars. The aforesaid salary, clerk hire and other expenses above indicated shall be refunded to the treasury by the several banks and banking associations of this State, pursuant to chapter one hundred and sixty-four of the laws of eighteen hundred and fifty-one.

To be refunded.

INSURANCE DEPARTMENT.

For the Superintendent of the Insurance Department, for salary, seven thousand dollars, pursuant to chapter three hundred and twenty-six of the laws of eighteen hundred and sixty-one, and chapter seven hundred and thirty-two of the laws of eighteen hundred and sixty-eight.

Superintendent of insurance department.

For compensation of deputy, clerk hire, furniture, books, binding, blanks, printing and other necessary expenses of the Insurance Department, fifty thousand dollars. The aforesaid salary, clerk hire and other expenses above indicated shall be refunded to the treasury by the several insurance companies, associations, persons and agents, pursuant to chapter three hundred and sixty-six of the laws of eighteen hundred and fifty-nine. All fees and perquisites of every name and nature charged, received and collected by the Insurance Department, or any officer thereof, shall be immediately paid into the treasury.

Compensation of deputy, &c.

To be refunded.

Fees, &c., to be paid into the treasury.

STATE ASSESSORS.

For the State Assessors, for compensation and traveling expenses, pursuant to chapter three hundred and twelve of the laws of eighteen hundred and fifty-nine and chapter seven hundred and sixty, laws of

State assessors.

the trial of Judges McCunn, Prindle and Curtis, one hundred and twenty-five thousand dollars, or so much thereof as may be necessary.

STATE PRISONS, ETC.

Inspectors of State prisons.	For the Inspectors of State prisons, for salaries to each of them, one thousand six hundred dollars, and for traveling expenses to each of them six hundred dollars.
State prisons, support, &c.	For the support and maintenance of the several State prisons, and for material and expense of manufacturing, eight hundred thousand dollars.
Sheriffs for transporting convicts.	For compensation of sheriffs for the transportation of convicts to the prisons, asylum for insane convicts, house of refuge and penitentiaries twenty thousand dollars.
Water to Sing Sing prison.	For supplying Croton water to the Sing Sing prison, one thousand five hundred dollars.
Water to Auburn prison.	For supply of water for Auburn prison and asylum for insane convicts, one thousand five hundred dollars.
Penitentiaries.	For the maintenance of convicts sentenced to penitentiaries, ten thousand dollars.
Refunding deposits.	For refunding deposits to prison contractors, one thousand dollars.

ASYLUM FOR INSANE CONVICTS.

Asylum for insane convicts.	For the support and maintenance of the asylum for insane convicts, pursuant to chapter one hundred and thirty of the laws of eighteen hundred and fifty-eight, sixteen thousand dollars.
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STATE LUNATIC ASYLUM.

State lunatic asylum.	For salaries of the officers of the State Asylum for Lunatics, fifteen thousand dollars.
Mark Jack, support of.	For the support of Mark Jack, an insane Indian at the asylum, two hundred and fifty dollars.

HUDSON RIVER STATE HOSPITAL FOR THE INSANE.

Hudson River State Hospital, for salaries.	For salaries of the officers of the Hudson River State Hospital for the Insane, eight thousand dollars, or so much thereof as may be necessary.
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INDIAN AFFAIRS.

Relief of the Onondaga Indians.	For the relief of the Onondaga Indians, pursuant to chapter two hundred and sixty of the laws of eighteen hundred and fifty-eight, three hundred dollars.
Compensation of agent.	For compensation of the agent of the Onondaga Indians, two hundred dollars.
	For compensation of the agent of the Onondaga Indians, sixty-five dollars (chapter one hundred and seventy-eight, law of eighteen hundred and forty seven, and chapter six hundred and thirty-five, laws of eighteen hundred and sixty-nine), or so much thereof as may be necessary.
	For compensation of the agent of the Onondaga Indians, on the Allegany and Cattaraugus reservations, one hundred and fifty dollars.
Attorney of St. Regis Indians.	For compensation of the attorney of the St. Regis Indians, one hundred and fifty dollars.
Of Seneca Indians.	For compensation of the attorney of the Seneca Indians, one hundred and fifty dollars.
Of Tonawanda band.	For compensation of the attorney for the Tonawanda band of Seneca Indians, one hundred and fifty dollars.

For the Willard Asylum, for the support of Susan Green, an insane Indian woman, two hundred and fifty dollars.

Support of Susan Green.

ONONDAGA SALT SPRINGS.

For salary of the superintendent, compensation of clerks, and other persons employed, and other necessary expenses of the Onondaga salt springs fifty thousand dollars.

Superintendent, clerks, &c.

MILITIA OF THE STATE.

For expenses of the national guard of the State of New York, pursuant to chapter eighty of the laws of eighteen hundred and seventy, two hundred thousand dollars.

National guard, expenses.

ROADS.

For payments to commissioners, of moneys received into the treasury for taxes on lands of non-residents, appropriated to the construction of roads six thousand dollars.

Construction of roads.

INTEREST ON STATE INDEBTEDNESS.

For interest on the debt of thirty-six thousand dollars, created for the benefit of the Stockbridge Indians, two thousand one hundred and sixty dollars.

Stock-bridge Indian debt.

COUNTY TREASURER.

For advances to county treasurer, on account of taxes on property of non-residents, which may be returned to the Comptroller's office, sixty thousand dollars.

Advances.

TRANSPORTATION.

For expenses of transportation of the session laws, journals and documents of the Legislature, reports, books, etc., and packages by express, for the public offices, and for expresses of boxes, five thousand dollars.

Expenses of transporting session laws, &c.

REPAYMENT OF MONEYS.

For payment of moneys to purchasers, for redemption of land sold for taxes, twenty-five thousand dollars.

Redemption of land sold.

For repayment of money erroneously paid into the treasury for taxes, ten thousand dollars.

Taxes erroneously paid.

For repayment of money in cases of failure of title to lands sold by the State (Revised Statutes, volume one, page five hundred and forty-one), three hundred dollars.

Failure of title to land.

For repayment of moneys paid into the treasury through mistake (Revised Statutes, page four hundred and seventy-nine), five hundred dollars.

Moneys paid by mistake.

MISCELLANEOUS.

For supplying the Mexico Independent to the deaf and dumb persons of the State in the same manner and upon the same terms as the Radii was furnished, under and pursuant to chapter three hundred and twenty-nine of the laws of eighteen hundred and thirty-nine, six hundred and fifty dollars.

Mexico Independent for the deaf and dumb.

For supplying other States with reports of the Courts of Appeals and of the Supreme Court, five hundred dollars.

Reports for other States.

For expenses of books and stationery for the transfer office at the Manhattan Company, New York, two hundred and fifty dollars.

Transfer office, expenses.

Agent for
issue and
transfer of
State
stock.

For compensation of agent in the city of New York, to superintend the issue and transfer of State stock, pursuant to chapter two hundred of the laws of eighteen hundred and sixty-six, seven hundred and fifty dollars.

Washing-
ton's head
quarters.

For the compensation of the keeper of Washington's Headquarters, one hundred dollars.

Pilot com-
mission-
ers.

For the expense of the board of pilot commissioners, New York, forty-five hundred dollars.

Commis-
sioners to
revise the
Statutes.

For the commissioners to revise the Statutes of the State, appointed under chapter thirty-three of the laws of eighteen hundred and seventy, for their services, fifteen thousand dollars, and for their expenditures for clerical services and other incidental matters, six thousand dollars.

STATE INEBRIATE ASYLUM AT BINGHAMTON.

Payment
of salar-
ies.

For payment of salaries of superintendent, assistant physician, steward, chaplain and matron of the State Inebriate Asylum at Binghamton (chapter six hundred and twenty-five laws eighteen hundred and seventy-three), six thousand dollars, or so much thereof as may be neces-

Traveling
expenses
of mana-
gers.

sary, for traveling and other expenses of the managers of the asylum, to be audited as required by law.

Medical
commis-
sioners,
for salar-
ies and ex-
penses.

For services and expenses of medical commissioners appointed pursuant to chapter six hundred sixty-six of laws of eighteen hundred seventy-one, by the Governor or courts of oyer and terminer, to inquire into the mental condition of persons under indictment or conviction for offences, the punishment of which is death, two thousand dollars, the amount to be paid in each case to be certified by the Governor.

DEAF AND DUMB.

Institu-
tion for
deaf and
dumb, for
support
and in-
struction.

For the support and instruction of three hundred and seventy pupils at the Institution for Deaf and Dumb in New York, pursuant to chapter ninety-seven of the laws of eighteen hundred and fifty-two, or a proportionate amount for a shorter period of time than one year, or for a smaller number of pupils, as shall be duly verified by affidavits of the president and secretary of the institution, one hundred and eleven thousand dollars, and this sum is in full of all demands upon the State in behalf of said institution during the next fiscal year.

Institu-
tion for
the im-
proved in-
struction
of deaf
mutes, for
support
and in-
struction.

For the support and instruction of thirty pupils, at the Institution for the Improved Instruction of Deaf Mutes in New York, pursuant to chapter one hundred and eighty of the laws of eighteen hundred and seventy, or a proportionate amount for a shorter period of time than one year, or for a smaller number of pupils, as shall be duly verified by affidavits of the president and secretary of the institution, nine thousand dollars.

Institu-
tion for
the blind,
for sup-
port and
instruc-
tion.

For the support and instruction of one hundred and fifty pupils for one year at the Institution for the Blind in New York, or a proportionate amount for a shorter period of time than one year, or for a smaller number of pupils, as shall be duly verified by affidavits of the president and secretary of the institution, forty-five thousand dollars.

JUVENILE DELINQUENTS.

Society for
reforma-
tion of ju-
venile de-
linquents.

For the Society for the Reformation of Juvenile Delinquents, in the city of New York, forty thousand dollars.

HOUSE OF REFUGE.

House of
Refuge.

For the House of Refuge for Western New York, forty thousand dollars.

IDIOT ASYLUM.

For the State Asylum for Idots, at Syracuse, thirty-six thousand dollars or so much thereof as may be necessary, at a rate not exceeding two hundred dollars per State pupil.

State asylum for idiots at Syracuse.

For the support and instruction of thirty pupils at the Le Conteuix St. Mary's Institution for the Improved Instruction of Deaf Mutes, at Buffalo pursuant to the provisions of chapter six hundred and seventy of the laws of eighteen hundred and seventy-two, and sections nine and ten of title one chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four or a proportionate amount for a shorter period of time than one year, or for a smaller number of pupils, the sum of nine thousand dollars, to be paid by the Comptroller upon the certificate and oath of the president and secretary of the said institution, approved by the Superintendent of Public Instruction; and this sum shall be in full of all demands upon the State up to the first day of October, eighteen hundred and seventy-five.

Le Conteuix St. Mary's Institution, for support and instruction of pupils.

WILLARD ASYLUM FOR THE INSANE.

For the salaries of officers of the Williard Asylum for the Insane, ten thousand five hundred dollars, or so much thereof as may be necessary.

Willard Asylum, salaries.

INSTITUTION FOR THE BLIND, BATAVIA.

For the maintenance of the Institution for the Blind, at Batavia, forty thousand dollars.

Maintenance.

STATE COMMISSIONERS OF PUBLIC CHARITIES.

For the salary of the secretary of the State board of charities, twenty-five hundred dollars; and for the traveling expenses of the commissioners and the secretary, and for office expenses, clerk hire and contingencies of the State board of charities, two thousand five hundred dollars.

State commissioners of public charities, for salary, &c.

For the salary of the State commissioner in lunacy, four thousand dollars, and for traveling and other incidental expenses of said commissioner, one thousand dollars, or so much thereof as may be necessary, pursuant to section thirteen, chapter five hundred and seventy-one, laws eighteen hundred and seventy-three.

State commissioner in lunacy, for salary, &c.

PAYABLE FROM THE FREE SCHOOL FUND.

For the State normal school at Albany, for its maintenance, eighteen thousand dollars.

State normal school. Brockport.

For the State normal and training school at Brockport, for its maintenance, eighteen thousand dollars.

For the State normal and training school at Buffalo, for its maintenance, eighteen thousand dollars.

Buffalo.

For the State normal and training school at Cortland, for its maintenance, eighteen thousand dollars.

Cortland.

For the State normal and training school at Fredonia, for its maintenance, eighteen thousand dollars.

Fredonia.

For the State normal and training school at Geneseo, for its maintenance, eighteen thousand dollars.

Geneseo.

For the State normal and training school at Oswego, for its maintenance, eighteen thousand dollars.

Oswego.

For the State normal and training school at Potsdam, for its maintenance, eighteen thousand dollars.

Potsdam.

Teachers' institutes. For the maintenance of the teachers' institutes, pursuant to chapter five hundred and fifty-five, title eleven of the laws of eighteen hundred and sixty-four, eighteen thousand dollars.

Support of common schools. For the support of the common schools of this State, two million six hundred and sixty-two thousand dollars, or so much thereof as shall remain, of the proceeds of the tax of one and one-fourth mills upon each dollar of the taxable property in this State, levied for the support of common schools after deducting from the proceeds of said tax the several sums appropriated in the items above mentioned, payable from the free school fund, pursuant to section three of chapter four hundred and six, laws of eighteen hundred and sixty-seven.

PAYABLE FROM THE GENERAL FUND DEBT SINKING FUND.

Interest on general fund debt. For interest on the sum of three millions eight hundred and twenty-nine thousand eight hundred and thirty-one dollars and fifty-three cents of the general fund State debt, two hundred thousand one hundred and ninety dollars and fifty-two cents.

Indian annuities. For the payment of the annuities to the several Indian tribes, namely:

Onondagas, two thousand four hundred and thirty dollars.

Cayugas, two thousand three hundred dollars.

Senecas, five hundred dollars.

St. Regis, two thousand one hundred and thirty-one dollars and sixty-seven cents.

PAYABLE FROM THE SCHOOL FUND—CAPITAL.

For investment from the capital of school fund. For investment in loans to towns and counties from the capital of the school fund, pursuant to chapter one hundred and ninety-four of the laws of eighteen hundred and forty-nine, fifty thousand dollars, or so much thereof as may be necessary.

. REVENUE.

Dividends to common schools. For dividends to common schools (Revised Statutes, volume one, page five hundred and thirty-eight), one hundred and seventy thousand dollars.

Indian schools. For support of Indian schools, pursuant to chapter seventy-one of the laws of eighteen hundred and fifty-six, four thousand dollars.

Redemption of lands sold. For refunding money paid into the treasury for redemption of lands sold for arrears of consideration, pursuant to chapter four hundred and fifty-seven of the laws of eighteen hundred and thirty-six, five hundred dollars.

Refund-ing surplus mon-ey. For refunding surplus moneys received on resales of land (Revised Statutes, volume one, page four hundred and ninety-six), five hundred dollars.

Expenses of lands. For expenses of lands (Revised Statutes, volume one, page five hundred and fifty-four), two hundred dollars.

PAYABLE FROM THE LITERATURE FUND.

Dividends to acad-emies. For dividends to the academies, twelve thousand dollars.

Books and apparat-us. For the purchase of text-books, maps and globes, philosophical and chemical apparatus for the academies (Revised Statutes, volume one, page seventy-two), three thousand dollars.

PAYABLE FROM THE UNITED STATES DEPOSIT FUND—CAPITAL.

Capital U. S. deposit fund. For investment as capital of the United States deposit fund, fifty thousand dollars, or so much thereof as may be necessary.

REVENUE.

For dividends to common schools, including the salaries of the county school commissioners, one hundred and sixty-five thousand dollars. Common schools.

For dividends to academies, twenty-eight thousand dollars. Academies.

For amount to be added to the capital of the school fund (article nine of the Constitution), twenty-five thousand dollars. Capital of school fund.

For instruction of common school teachers in the academies designated by the regents of the university, eighteen thousand dollars. Instruction of teachers.

For refunding money erroneously paid into the treasury by loan commissioners, pursuant to law, five hundred dollars. Refund ing of moneys.

PAYABLE FROM THE BOUNTY DEBT SINKING FUND.

For investment of contributions to the sinking fund, and payment of interest on the State indebtedness, incurred pursuant to chapters two hundred and twenty-six and three hundred and twenty-five of the laws of eighteen hundred and sixty-five, known and designated as the bounty debt, four millions two hundred and sixty thousand dollars, or so much thereof as may be necessary. Contributions to sinking fund.

PAYABLE FROM THE COLLEGE LAND SCRIP FUND REVENUE.

For the Cornell University, thirty thousand dollars. Cornell University.

PAYABLE FROM THE CORNELL ENDOWMENT FUND REVENUE.

For the Cornell University, ten thousand dollars.

PAYABLE FROM THE MILITARY RECORD FUND REVENUE.

For expenses of the Bureau of Military Statistics, three thousand dollars. Bureau of military statistics.

PAYABLE FROM THE ELMIRA FEMALE COLLEGE EDUCATIONAL FUND REVENUE.

For the Elmira Female College, pursuant to chapter six hundred and forty-three of the laws of eighteen hundred and sixty-seven, three thousand five hundred dollars. Elmira Female College.

INSPECTORS OF GAS METERS.

For Inspectors of Gas Meters, for salary and contingent expenses, pursuant to chapter one hundred and sixteen of the laws of eighteen hundred and sixty, and to the conditions and requirements imposed by chapter one hundred and thirty-five of the laws of eighteen hundred and sixty-three, two thousand five hundred dollars, or so much thereof as may be necessary to pay the present Inspector of Gas Meters his salary to end of his term of office, which amount shall be refunded to the treasury by the several gas-light companies, pursuant to chapter three hundred and eleven of the laws of eighteen hundred and fifty-nine, but no payment shall be made by the Comptroller upon such salary and expenses till an amount equal to such payments shall be received by him from gas companies or some of them. Inspectors of gas meters, salary and expense. Amount to be refunded.

The amounts herein appropriated shall be paid by the Treasurer from the respective funds as specified, and the salaries named shall be established and fixed by this act for the several officers for whom they are designated; but the Comptroller shall not draw his warrant for the payment of the several amounts heretofore named, except for salaries, the Appropriations, how paid. Comptroller's warrant.

Detailed
statement
in items.

Accounts
must be
verified.

To be re-
ceipted.

Treasurer
to report
annually
to legisla-
ture.

Annual
report of
certain in-
stitutions.

Failure to
report, ef-
fect of.

Governor
to fill va-
cancies.

Comptrol-
ler may
call for
special re-
port.

Comptrol-
ler to send
copy of
this sec-
tion.

amounts of which are duly established and fixed by law, and the amount hereinbefore directed to be paid to the trustees of the State Library, till the persons demanding them shall present to him a detailed statement, in items, of the same; and if such account shall be for services, it must show when, where and under what authority they were rendered; if for expenditures, when, where and under what authority they were made; if for articles furnished, when and where they were furnished, to whom they were delivered, and under what authority; and if the demand shall be for traveling expenses, the account must also specify the distance traveled, the place of starting and destination, the duty or business and the dates and items of expenditures. All accounts must be verified by an affidavit to the effect that the account is true, just and correct, and that no part of it has been paid, but is actually and justly due and owing; on all accounts for transportation, furniture, blank and other books purchased for the use of office, binding, blanks, printing, stationery, postage, cleaning and other necessary and incidental expenses, a bill, duly receipted, must also be furnished, and it shall be the duty of the Treasurer to report annually to the Legislature the detail of these several expenditures. Every institution or society entitled, under the provisions of this act, or of any future appropriation act, to receive money from the State, shall make an annual report to the Legislature, which report shall contain a detailed statement of all receipts and expenditures, debts and liabilities, of said institution or society during the year for which said report is made, and a full and accurate statement of the financial condition thereof at the date of said report, which report shall be presented to the Legislature on or before the fifteenth day of January in each and every year hereafter.

The failure to make the said report to the Legislature on or before the fifteenth day of January in each and every year hereafter, by any such institution or society, shall work a forfeiture of the office of every trustee or manager at the time in charge of said institution or society failing to report as aforesaid, and the Governor shall thereupon proceed to fill such vacancies by nominations to the Senate for its confirmation of other persons to fill said vacancies.

A special report of the condition of such institutions or societies may, at any time, be called for by the Comptroller, and shall be made and filed with him within ten days after notice of such call by the Comptroller to such institution or society; and no money hereby or hereafter appropriated shall be paid to any institution or society which shall hereafter neglect to make such reports as aforesaid. The Comptroller, between the first and tenth days of December in each year, shall send, by mail or otherwise, a copy of this section to the officers required to report to the Legislature as hereinbefore provided.

Chap. 399.

AN ACT to authorize a tax of seven-eighths of a mill per dollar of valuation of the year one thousand eight hundred and seventy-four, for the construction of new work upon and extraordinary repairs of the canals of this State.

Passed May 9, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be imposed for the fiscal year beginning on the first day of October, eighteen hundred and seventy-four, a State tax of seven-eighths of a mill on each dollar of real and personal property in this State subject to taxation, which tax shall be assessed, levied and collected by the annual assessment and collection of taxes for that year in the manner prescribed by law, and shall be paid by the several county treasurers into the treasury of the State, to be held by the Treasurer, and is hereby appropriated and applied to the objects and purposes hereinafter specified, to wit:

State tax, how to be assessed, &c.

§ 2. For the removal of the bench walls in the Erie canal and the substitution of slope walls in the place thereof, the sum of three hundred and sixty thousand dollars, or so much thereof as may be necessary, except that between Lower Mohawk aqueduct and Port Schuyler, vertical walls may be built wherever, in the opinion of the board of Canal Commissioners, the same are necessary, the aforesaid sum being a portion of the amount estimated in the report of the State Engineer and Surveyor, dated January twenty-third, eighteen hundred and seventy-four, and known as Assembly document number twenty-seven.

Appropriation thereof. Removal of bench walls in Erie canal, &c.

Vertical walls.

For the improvement of the Champlain canal the sum of five hundred thousand dollars, or so much thereof as may be necessary, in such manner as to give throughout the length of said canal, a uniform depth of seven feet of water, and width of forty-four feet on the bottom, and fifty-eight feet at water surface, except as in the opinion of the Canal Board may be required for business purposes, when in that case the walls may be made vertical, but retaining the same depth and width of water at water surface, and no part of the said appropriation shall be applied on or for any other object or purpose, until the above enlargement shall be made and completed.

Champlain canal, improvement of.

§ 3. It is hereby made the duty of the State Engineer and of the Canal Commissioner in charge of the eastern division of the canals, and they are hereby required, at the earliest time practicable, and before the first of January next, to revise the surveys, maps, plans, estimates and location of line of the Champlain canal, made under and by virtue of the provisions of chapter seven hundred and eighty-eight of the laws of the year one thousand eight hundred and seventy, and to report such revised surveys, maps, plans, estimates and location of line, to the Canal Board. And no part or portion of the moneys herein appropriated shall be expended or paid, except so much as shall be necessary for the re-surveys, maps, plans and location of said line as herein required, nor shall any contract involving any such expenditures or payment, be made in behalf of the State, until such revised surveys, maps, plans, estimates and location of line shall have been submitted to and approved by the Canal Board.

State engineer and canal commissioner to revise surveys, &c.

To report to canal board.

Work to be let when revised surveys, &c., are adopted.

On the approval, revision and adoption by the Canal Board, of said revised surveys, maps, plans, estimates and location of line, or of any part thereof, as provided by this act, the Canal Commissioners shall, from time to time, advertise and let to the lowest bidder, so much of the said work as may be ordered by the Canal Board, until the enlargement of the canal be completed, or the appropriation be exhausted.

EASTERN DIVISION.

Glens Falls Feeder, rebuilding thereof.

For rebuilding Glens Falls Feeder so as to prevent leaks through the limestone rocks, and to fill the seams and openings therein, the sum of twenty-five thousand dollars, or so much thereof as may be necessary, to be done under the direction of the Commissioner in charge; the same to be let by contract to the lowest bidder after being advertised as now required by law for other State work.

Surveys, maps, &c.

For surveys, maps and plans for damming the outlet of lakes and constructing reservoirs at the head waters of the Hudson river to furnish water to the Champlain canal in dry seasons, seven thousand five hundred dollars, or so much thereof as may be necessary, to be done under the direction of the Commissioner in charge.

Crib work, &c., at Troy.

For completing the crib-work and apron, and rebuilding the State dam across the Hudson river at Troy, the sum of twenty thousand dollars, or so much thereof as may be necessary.

Fish-way at Troy.

In addition to a former appropriation of one thousand dollars for fish-way in the State dam across the Hudson river at Troy, the sum of four thousand dollars, or so much thereof as may be necessary. The aforesaid sum of one thousand dollars is hereby reappropriated for this purpose.

Suspension foot-bridge at Albany.

For completing suspension foot bridge over the Erie canal at the Lumber District, just below lock number two, in the city of Albany, the sum of eight hundred dollars, or so much thereof as may be necessary.

Basin at White hall.

For dredging and excavating the basin at the foot of lock at Whitehall, the sum of ten thousand dollars, or so much thereof as may be necessary; the work to be done under the direction of the Commissioner in charge.

Highway bridge in Watervliet.

In addition to an appropriation made in eighteen hundred and seventy-three for constructing and maintaining a highway bridge over the Erie canal in the town of Watervliet, in the county of Albany, from the Ireland Corner's road, on the west of said canal to Island park on the east of said canal, the sum of four thousand dollars.

Bridge at German Flats and East Frankfort.

For completing the approaches of the bridge at the west line of German Flats, and extending culvert at East Frankfort, and for completing approaches to the bridge at East Frankfort the sum of four thousand dollars or so much thereof as may be necessary; which work may be done by the Canal Commissioner in charge.

Bridge in Frankfort village.

For completing approaches to cemetery bridge in Frankfort village the sum of fifteen hundred dollars, or so much thereof as may be necessary; which work may be done by the Canal Commissioner in charge.

Construction of vertical walls.

For construction of vertical walls upon the eastern division of the canal the sum of seven thousand five hundred dollars, at such localities as the Commissioner in charge may select.

To pay loans of Albany banks.

To pay the amount borrowed of the Albany banks pursuant to resolution of the Commissioners of the Canal Fund, adopted October first, eighteen hundred and seventy-three, to complete the State dam across the Hudson river at Troy, the sum of twenty-two thousand four hun-

dred dollars, or so much thereof as may be necessary, to pay principal and interest of said loan.

For constructing an iron bridge with suitable side walls at the present Exchange bridge, in the Lumber District, in the city of Albany, the sum of ten thousand dollars, or so much thereof as may be necessary.

Iron bridge in Albany.

For the improvement of the channel of Wood creek, the sum of five thousand dollars, to be expended under the direction of the Commissioner in charge, provided the said Commissioner shall obtain from the parties through whose lands the improvement shall be made, full releases to the State of all claims, compensation or damages to be done by this improvement.

Improvement of channel of Wood creek.

The sum of seven hundred dollars is hereby appropriated to Miles Johnson, of Whitehall, to be in full of all claims for farm bridge. Before the said sum shall be paid, the Canal Commissioners shall require and place on file in their office full and sufficient release, legally executed, of all claims against the State, and release from any obligations to hereafter maintain a bridge over the canal on the farm of said Johnson.

Miles Johnson.

Release.

The sum of four thousand dollars, in addition to a former appropriation of one thousand dollars, is hereby appropriated to the construction of a fish-way in the State dam across the Hudson river at Fort Miller, to be constructed under direction of the Commissioner in charge.

Fishway at Fort Miller.

For constructing an aqueduct or culvert, or enlarging the present culvert, in West Troy, for the purpose of affording sufficient outlet for the waters of Dry river, the sum of six thousand dollars, or so much as may be necessary.

Aqueduct in West Troy.

For the repair and protection of the highway running along the eastern bank of the Hudson river between Vail and Thomas streets in the village of Lansingburgh, from damage caused by the gradual encroachment of the river at that point, consequent upon the diversion of the waters of the Mohawk river for canal purposes, the sum of five thousand dollars, or so much thereof as may be necessary, to be expended under the direction of the Commissioner in charge.

Repair of highway in Lansingburgh.

MIDDLE DIVISION.

The sum of sixty-five thousand dollars or so much thereof as may be necessary, is hereby appropriated to enable the Canal Commissioner in charge to increase the locking capacity of all the locks on the Erie canal as have not heretofore been widened, and that have an upward lift toward tide water (namely: berme locks forty-seven and forty-eight, and berme and tow-path locks fifty-one and fifty-two), by taking up the outer walls of said locks and setting them back two feet, and also to insert Heath's patent tumble gates therein, the same to be let by contract to the lowest bidder after being advertised as required by law for State work.

Locks, improvement of.

For raising weirs and banks and deepening the Syracuse level of the Erie canal, to maintain seven feet of water therein, the sum of seven thousand five hundred dollars or so much thereof as may be necessary.

Syracuse level, deepening of.

For new feeder channel in place of the old decayed wooden flume in the Owasco feeder at Port Byron, the sum of fifteen thousand dollars, or so much thereof as may be necessary to be expended under the direction of the commissioner in charge.

New feeder channel at Port Byron.

The sum of eighteen thousand dollars, appropriated by act chapter eight hundred and fifty of the laws of eighteen hundred and seventy-

Dam on Moose river.

two, for construction of a dam across Moose river at the old Brown Tract forge, is hereby reappropriated, subject to the provisions of said act, and the Canal Commissioners are hereby empowered to take and appropriate any lands not released under said act which may be required for the purpose of building said dam.

Draw-
bridge in
German
Flats.

The sum of eight thousand dollars is hereby appropriated for the construction of a swing, hoist or draw-bridge over the Erie canal on Railroad street, in the town of German Flats.

Draw-
bridge at
Clinton.

The sum of two thousand dollars is hereby appropriated for the construction of a swing or draw-bridge over the Chenango canal, on Water street, in the village of Clinton. No part of the sum shall be used unless it shall be found sufficient to build the bridge and remove abutments and approaches.

Road-
bridge at
Thomp-
son's
Landing.

For taking up and setting back the berme abutment and lengthening the span of the road bridge over the Erie canal at Thompson's Landing, in the town of De Witt, for the purpose of affording additional water way in the canal at that point, the sum of fifteen hundred dollars, or so much thereof as may be necessary.

Changing
plan of
bridges
and con-
structing
iron
bridges on
middle di-
vision.

The sum of twelve thousand dollars, it being the unexpended balance of the sum of twenty-five thousand dollars appropriated by act chapter eight hundred and fifty of the laws of eighteen hundred and seventy-two, for changing the plan of bridges on the middle division, is hereby reappropriated for the same object, which unexpended balance, together with the sum of fifteen thousand dollars, appropriated by act chapter seven hundred and sixty-six of the laws of eighteen hundred and seventy-three, for constructing iron bridge superstructures on the middle division of the Erie canal, made necessary in consequence of the change of plan, may be expended under the direction of the Commissioner in charge whenever in his judgment the present wooden bridge structures become unsafe, and that a change of plan in their reconstruction will be for the best interests of the State.

Work
done on
James-
ville reser-
voir.

To pay for work done and now due to complete the construction of Jamesville reservoir on Butternut creek for the purpose of furnishing additional water to the Rome level of the Erie canal, authorized by act chapter three hundred and forty-three of the laws of eighteen hundred and seventy-two, to be expended as provided in said act, the sum of forty thousand dollars, or so much thereof as may be necessary.

Stone dam
at Owasco
lake.

To pay for work done and now due in repairing stone dam at Owasco lake in the summer of eighteen hundred and seventy-three, the sum of seven hundred and sixty-four dollars and forty-three cents.

Dam on
Owasco
outlet.

For rebuilding the upper dam on the Owasco outlet, the sum of nine thousand dollars, or so much thereof as may be necessary, to be expended under the direction of the Commissioner in charge of the middle division of the Erie canal, the said work to be done by contract let to the lowest bidder, after being advertised as required by law, but no part of said sum shall be expended until the owners of water powers below shall pay three thousand dollars in addition thereto for such purpose.

Balance
for con-
struction
of bridge
in Nor-
wich.

To pay the balance on final account for construction of a swing bridge across the Chenango canal on East Main street in the village of Norwich, and removing the present bridge across said canal on East Main street to Rexford street in said village, one thousand dollars, or so much thereof as may be necessary.

Ditches in
Cowasse-
lon
swamp.

The sum of twenty-five thousand dollars for the widening and deepening of the Stroud, Chapman, Olcott and Douglas ditches, so called, in Cowasselon swamp, and to dig and construct such new ditches as may be necessary to drain said swamp and low lands in towns of Sullivan

and Lenox, Madison county, of the surplus waters of the Erie canal, in pursuance of chapter two hundred and forty-four of the laws of eighteen hundred and seventy-four, or so much thereof as may be necessary.

For constructing a suitable iron foot bridge over the Erie canal, on Mohawk street in the city of Utica, in such manner as the Commissioner in charge shall deem best, the sum of twenty-five hundred dollars, or so much thereof as may be necessary.

Iron bridge in Utica.

To enable the Canal Commissioner in charge to construct a new road across the valley of Butternut creek, near the dam of Jamesville reservoir, in place of the old road destroyed in the construction of said reservoir, the sum of one thousand five hundred dollars, or so much thereof as may be necessary.

Road across valley of Butternut creek.

For balance due Edwin H. French for dredging in Cayuga and Seneca canal in the year eighteen hundred and seventy, by order of Canal Commissioner Wright, nine hundred and fifty-two dollars and interest on same, two hundred and thirty-two dollars and twenty-six cents, the above amount to be paid by the Auditor of the Canal Department upon the certificate of the Canal Commissioner if after examination and investigation he shall find the said work was performed and the same has not been paid for.

E. H. French.

For retaining walls and approaches to iron bridge over Erie canal at Catharine street in the city of Syracuse, the sum of three thousand dollars or so much thereof as may be necessary.

Iron bridge in Syracuse.

For the construction of a swing bridge over the Chenango canal, on south Main street, in the village of Norwich, Chenango county, the sum of twenty-five hundred dollars, or so much thereof as may be necessary, to be expended only in case the Canal Commissioner in charge deems it expedient.

Swing bridge at Norwich.

For constructing swing bridge in the village of Solisville, on the Chenango canal, the sum of two thousand dollars, or so much thereof as may be necessary.

At Solisville.

For rebuilding the locks on Oneida river improvement, and lowering them to the requisite depth so as to conform to the depth of the locks on the Erie and Oswego canal, the sum of sixty thousand dollars, or so much thereof as may be necessary; and for dredging and removing obstructions to navigation on said Oneida river improvement, the sum of forty thousand dollars, or so much thereof as may be necessary; the work to be done under the direction of the Commissioner in charge.

Oneida river improvement.

For constructing vertical walls upon the middle division of the canals the sum of twenty thousand dollars, to be expended at such points as the Commissioner in charge shall deem for the best interests of the State.

Vertical walls on middle division.

For constructing a waste-weir and ditch at the north end of the north side cut canal to conduct the water into Mud creek, the sum of one thousand dollars, providing that the owners of lands through which said ditch shall be constructed shall release to the State all claims to compensation for damages by reason of the construction of said ditch.

Waste-weir and ditch.

The sum of twenty-five thousand dollars, or so much thereof as shall be necessary, authorized by chapter seven hundred and sixty-six of the laws of eighteen hundred and seventy-three, for the purpose of the construction of a dam at Waterloo and other works, is hereby reappropriated, to be used under the direction of the Commissioner in charge as in his judgment shall be for the best interests of the State in removing rocks or dredging within the prism of the canal between Seneca Falls and Geneva, for the purpose of improving the navigation of said canal; the same to be let by contract to the lowest bidder after being advertised as now required by law for letting State work.

Dam and other works at Waterloo.

- Completion of maps.** For the completion of the maps of the Cayuga and Seneca, Oswego and Erie canals in the middle division, the sum of one thousand dollars, or so much thereof as may be necessary.
- Retaining wall in Rome.** For a retaining wall on the north and east side of the bridge across the canal on James street in the city of Rome, along the southerly line of Whitesboro street, the sum of three thousand dollars, or so much thereof as may be necessary.
- Interest.** For the payment of interest on certificate of deposits pledged with the Canal Board September eighth, eighteen hundred and sixty-nine, and held by them till October tenth, eighteen hundred and seventy-three, to secure the performance of the contract for removing slope wall and wall benches, and constructing slope and pavement wall from lock forty-three to lock forty-five, the sum of seven hundred and twenty dollars.
- Genesee street bridge at Skaneateles.** The Canal Commissioner having in charge the middle division of the canals is hereby authorized and required to keep and maintain in repair the Genesee street bridge over the outlet of the Skaneateles lake in the village of Skaneateles, out of the moneys appropriated for ordinary repairs of the canals.
- Guard lock on the Chenango.** For the protection of the guard lock on the Chenango canal extension, and to prevent the inundation of South Water street and South street, in the city of Binghamton, by securing the banks of the Susquehanna river, the sum of five thousand dollars.
- Stephen P. Arnot.** The sum of two hundred and sixty-nine dollars and seventy-five cents is hereby appropriated to Stephen P. Arnot to be in full of his claim for dredging around end of pier at inner basin in the harbor at Geneva, and for removing old cribs and stone at entrance to the same, for four days work with steam dredge, and repairs to end of pier, the amount not to be paid unless found to be a proper charge against the State and awarded by the Canal Board.

WESTERN DIVISION.

- Protection against lake.** For continuing the work of protecting canal against encroachments of Lake Erie, between Erie basin breakwater and Black Rock pier, forty thousand dollars, or so much thereof as may be necessary.
- Division bank at Black Rock.** For completing division bank and work connected therewith in Black Rock harbor so as to separate the canal from, and make it independent of the harbor, the sum of one hundred and seventy thousand dollars, or so much thereof as may be necessary.
- Cleaning out, &c., of canal in Rochester.** For cleaning out, improving and deepening the canal, an average of six inches below established grade from "wide water," west of tow-path change bridge to the east end of Genesee river aqueduct in the city of Rochester, the sum of twenty thousand dollars, or so much thereof as may be necessary.
- Cutting off bend, &c., at Macedon.** For cutting off bend in towing-path, including work connected therewith, to improve approach to and entrance to lower Macedon lock, the sum of two thousand dollars, or so much thereof as may be necessary.
- For inserting Heath's gates.** For inserting Heath's plan of tumble gates in old locks on this division as may be deemed advisable, the sum of sixteen thousand dollars, or so much thereof as may be necessary.
- Towing-path bank of Genesee valley canal.** For raising the towing-path bank on the four and six-mile levels of the Genesee valley canal, to prevent flood waters of the Genesee river from overflowing the same, the sum of two thousand dollars, or so much thereof as may be necessary. In addition to the sum appropriated

by chapter seven hundred and sixty-six, laws of eighteen hundred and seventy-three, to aid in the construction of a bridge over the Genesee river, at Mount Morris, the sum of seventeen hundred and forty dollars is hereby appropriated, or so much thereof as may be necessary to pay on the part of the State, one-third of the amount required to construct a new bridge at the aforesaid point. The Canal Commissioner of the western division is hereby authorized and required to construct a bridge across the Erie canal at a point where said canal is intersected by Emerson street, in the town of Gates, upon such plan as the Canal Commissioner may deem advisable, at a cost not to exceed the sum of seven thousand dollars, the work to be let by the board of Canal Commissioners to the lowest responsible bidder.

Bridge at
Mount
Morris.

Bridge in
town of
Gates.

For paying temporary land damages in constructing works of extraordinary repairs, and for completing and doubling of the locks, the sum of fifty-eight thousand dollars.

Tempo-
rary land
damages,
&c.

For constructing a new lock at Tonawanda, the sum of sixty thousand dollars or so much thereof as may be necessary, the location of the same to be determined by the Canal Commissioners.

New lock
at Tona-
wanda.

For dredging the Ohio basin under the direction of the Commissioner in charge, the sum of five thousand dollars, or so much thereof as may be necessary.

Ohio ba-
sin.

For dredging and excavation of Black Rock Harbor, and the channel leading thereto, below the ship-lock at Black Rock under the existing contract, the sum of ten thousand dollars.

Black
Rock har-
bor.

An appropriation of four thousand dollars is hereby made to the village of Medina, to be used in the construction of an iron bridge over the Oak Orchard creek, said bridge to be constructed under the supervision of the Canal Commissioner in charge, but no moneys shall be paid therefor until said bridge shall be constructed, and the trustees of said village shall have executed an agreement to hereafter maintain said bridge without expense to the State, and full and sufficient release for all claims against the State for damages for non-construction of said bridge.

Village of
Medina,
iron
bridge at.

Release.

For the improvement of Hotchkiss bridge near the termination of Best street over the Erie canal in the town of Tonawanda, the sum of fifteen hundred dollars or so much thereof as may be necessary, to be done under the direction of the Commissioner in charge.

Hotchkiss
bridge.

For the construction of vertical wall upon the western division of the canals, the sum of thirteen thousand five hundred dollars, to be expended at such points as the Commissioner in charge shall deem for the best interests of the State.

Vertical
wall.

For constructing road and purchasing lands for that purpose in the town of Ogden, the sum of seven hundred and sixty-five dollars, or so much thereof as may be necessary, to be done under the direction of the Commissioner in charge.

Road in
town of
Ogden.

The sum of ten thousand dollars appropriated by act, chapter seven hundred and sixty-six laws of eighteen hundred and seventy-three, for constructing and maintaining a road bridge over the Erie canal, connecting Averill and Munger streets, in the city of Rochester, is hereby reappropriated to the construction only of stone abutments and an iron bridge superstructure at said crossing; said bridge to have a single roadway and two sidewalks, each of suitable width, as in the best opinion of the Commissioner in charge will best accommodate the interests of that locality.

Iron
bridge in
Roches-
ter.

For constructing a drop culvert or aqueduct leading from State ditch to Erie canal, at Murphy's farm, town of Lockport, Niagara

Aqueduct
in town of
Lockport.

county, the sum of fifty-three hundred dollars, or so much thereof as may be necessary.

Cribs and vertical wall in Tona-wanda.

The sum of fifteen thousand dollars is hereby appropriated for completing the cribs and vertical wall in place of pile-docking in Erie canal between military road and State ditch culvert in the village of Tona-wanda, also for work done in and about State ditch culvert, for taking down and relaying walls between said culvert and Grand Island ferry, and for additional piles used in constructing and sustaining said cribbing and vertical walls.

Bridge on Goodman street, Rochester.

The Canal Commissioner of the western division is hereby authorized and required to construct a bridge across the Erie canal, on Goodman street, in the city of Rochester, upon such plan as the Canal Commissioner may deem advisable, at a cost not to exceed the sum of seven thousand dollars, the work to be let by the board of Canal Commissioners to the lowest responsible bidder.

Road bridge.

For the construction of a road bridge across the Erie canal, in the highway running from the Palmyra road to the Carterville road in the town of Pittsford, in pursuance of the law of eighteen hundred and seventy-four, the sum of four thousand dollars, or so much thereof as may be necessary.

Iron bridge, construction of, in Buffalo.

For the construction of an iron bridge with sidewalks and suitable abutments with passage way for towing on both sides of the canal over the Erie canal at Austin street in the city of Buffalo, ten thousand dollars, or so much as may be necessary, the same being authorized by chapter one hundred and eight, of the laws of eighteen hundred and seventy-four.

Final settlement of contracts, to be paid on.

The unexpended balance of the sum of one hundred and twenty-four thousand four hundred and fifteen dollars, appropriated by act chapter seven hundred of the laws of eighteen hundred and seventy-two, to be paid on final settlement of contracts, being the sum of one hundred thousand eight hundred and sixteen dollars and thirty-one cents, or so much thereof as shall remain unexpended on the fifteenth day of May, eighteen hundred and seventy-four, is hereby reappropriated, to be paid on final settlements of contracts for moneys retained by the State to secure the performance of contracts entered into previous to May fifteenth, eighteen hundred and seventy-two.

Culvert under Genesee valley canal in Rochester, re-appropriation for.

The sum of fifteen hundred dollars, appropriated by act chapter eight hundred and fifty, laws of eighteen hundred and seventy two, for constructing a culvert under the Genesee valley canal in the city of Rochester, is hereby reappropriated to same object, also the additional sum of fifteen hundred dollars more is appropriated to such purpose, provided, that the city of Rochester shall build said culvert under the direction of the Commissioner in charge, and that the cost of same to be paid by the State to said city, when the said city shall have fully completed said work as before provided, shall not exceed the amount appropriated therefor, to wit: three thousand dollars.

New works, authority for.

In order to remove all doubts in respect to the authority of the Canal Commissioners to commence the new works for which appropriations are herein made, and no legislative direction is otherwise given by special laws, it is hereby declared that the said Canal Commissioners are hereby authorized to construct, or cause to be constructed, all such new works for which appropriations are herein made, subject, however, to all restrictions, provisions and conditions contained in this act. No part or portion of the moneys herein appropriated for new work shall be expended or paid, nor shall any contract involving such expenditure and payment be made on behalf of this State, until the maps, plans

and estimates for such new work shall have been submitted to and approved by the Canal Board. All contracts for work or material on any canal (other than ordinary repairs) which shall be directed by the Canal Board to be advertised and let, shall be made with the persons who shall offer to do or provide the same at the lowest price, with adequate security for their performance, which letting shall be under regulations to be made by the board of Canal Commissioners as to the form, regularity and validity of all bids, securities and contracts. And the Canal Commissioners may require the deposit by the proposer for said work or materials, of such a sum in United States bonds or stocks of the State of New York, or money not exceeding twenty nor less than eight per cent. of the aggregate estimate of the work to be let, as they may deem necessary to secure the entering into said contract, and in case the proposer, to whom such work shall be awarded, shall neglect or refuse to enter into said contract, the sum so deposited shall be forfeited to the State, and the Commissioners shall pay the same into the State treasury, and it shall become a part of the canal fund. And upon the entering into said contract, the bonds or stocks, or money required by the Commissioners as security for the entering into said contract, together with such other additional securities as they may require, may be held as security for the completion of the work and shall be paid into the treasury of the State, and be invested by the Commissioners of the Canal Fund as they shall deem advisable until the said contract shall be fully completed and final settlement thereof made, at which time the said sum with the accumulated interest thereon shall be repaid to the said contractor by the Treasurer upon the warrant of the Auditor. But in case he shall enter into said contract and fail in the performance thereof, the same shall be declared abandoned by said Commissioners, pursuant to the terms of the contract, then the bonds or stocks or money so deposited shall be forfeited to the State and paid into the treasury, and become a part of the canal fund. The Canal Board may, in the resolution authorizing any work to be let, prescribe the length of time of advertising not less than ten days. No more money shall be expended on the works hereinbefore enumerated than is above appropriated, and it shall not be lawful for the officers having in charge the execution of the said works, to make any contracts whereby any expenditure in excess of the appropriation will be incurred, or any further appropriation for the same rendered necessary. The final account for any new work authorized by the provisions of this act or any previous acts, or for which money has been or is hereby appropriated, may be subject to revision by the Canal Board.

Contracts
for work
or materi-
al.

Security.

Forfeit-
ure.

Security
for com-
pletion of
work.

When for-
feited to
the State.

Chap. 400.

AN ACT to provide for the transmission of letters, parcels, packages, mails, messages, merchandise and property between the city of New York and the villages, towns and cities in the vicinity thereof,

Passed May 9, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. L. W. Emerson, H. Tracy Arnold, T. L. Harison, C. H. Scrymser, I. M. Strong, John R. Lawrence, and their assigns and such

Persons
author-

ized to lay
tubes.

May open
street or
avenue.
Consent.

Convey-
ance of
letters, &c.

Willful in-
jury a mis-
demeanor.

Punish-
ment.

Corpora-
tion may
be organ-
ized.

Certifi-
cate.

Repeal.

persons as they may associate with them, are hereby authorized and empowered to lay down, construct and maintain tubes of iron, wood or other material under ground and beneath the bed of navigable waters in and between the city of New York and the villages, towns and cities in the neighborhood thereof, at such depth below the bed of such waters as not to interfere with the channels, anchorage or navigation thereof, and for the purpose of such construction under ground shall have the right to open any street or avenue in any incorporated town or city, by and with the consent of the corporate authorities of such town or city, excepting in the city of New York, where such consent shall be obtained from the commissioner of public works, and to convey letters, parcels, packages, mails, messages, merchandise and property in and through said tubes, for compensation, by means of the pneumatic method of propulsion.

§ 2. Any person who shall willfully destroy or injure any of said tubes or any of the articles deposited therein shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment not less than three nor more than six months or by both, and shall also forfeit and pay to the said persons or their assigns three times the amount of damages they may sustain by such damage, to be recovered with costs in any court having jurisdiction.

§ 3. In case said persons shall so determine they may organize themselves into an association in the manner required and authorized in and by the act entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," passed on the seventeenth day of February, eighteen hundred and forty-eight, and the amendments thereto, for the purposes stated in section one of this act. The certificate to be executed for the purpose of forming such corporation may be signed and acknowledged by any three or more of said grantees, and upon the formation thereof said corporation shall possess all the powers and privileges conferred by said act and be subject to all the duties and obligations imposed therein not inconsistent with the provisions of this act.

§ 4. The Legislature may at any time alter, amend or repeal this act, and all acts or parts of acts inconsistent with this act are hereby repealed.

Chap. 401.

AN ACT to legalize the official acts of James H. Stevens as notary public.

Passed May 9, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Official
acts of no-
tary legal-
ized.

SECTION 1. All the acts of James H. Stevens, residing in the county of New York, in the State of New York, done as notary public from March thirtieth, eighteen hundred and seventy-three, to March twenty-sixth, eighteen hundred and seventy-four, are hereby legalized and confirmed so far as said acts would have been valid if the said James H. Stevens had been a duly appointed and qualified notary public during said period; but nothing herein contained shall affect any action or proceeding now pending in any court of this State.

§ 2. This act shall take effect immediately.

Chap. 402.

AN ACT to confirm the official acts of Aikins Foster as justice of the peace of the town of Colton, St. Lawrence county.

Passed May 9, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the official acts and proceedings of Aikins Foster, late justice of the peace of the town of Colton, St. Lawrence county, from December thirty-first, eighteen hundred and seventy-three, to February tenth, eighteen hundred and seventy-four, are hereby made as legal and valid as if the term of office of said Aikins Foster had not expired on said thirty-first day of December, eighteen hundred and seventy-three. But this act shall not effect * any suit or proceeding heretofore commenced.

§ 2 This act shall take effect immediately.

Chap. 403.

AN ACT to confirm and validate the consolidation of the corporations known as the Congregation Bikur Cholim Ukadisha, and the Congregation Chaari Zedek, into one corporation, under the name of the Congregation Chaari Zedek, of New York, and to incorporate the Chaari Zedek Cemetery association.

Passed May 9, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The two corporations or religious societies in the city of New York known as the Congregation Bikur Cholim Ukadisha, and the Congregation Chaari Zedek, are hereby consolidated into and created one body corporate or religious society, under the name and title of the Chaari Zedek congregation, with the same powers, and subject to the same provisions, as if it had been duly incorporated under the general act of this State relating to religious societies.

§ 2. H. Solomon, S. Caskell, Simon Sklerk, J. Mendelsohn, D. Levy, G. Turk, R. Moss, H. Richter, S. Simon and S. Satz, are hereby constituted a body corporate by the name of the Chaari Zedek cemetery association of New York, and they are hereby authorized to act as trustees of all the said lands owned and held by the said congregations.

§ 3. The acts of the trustees of the said congregations respectively, in relation to the union of the said congregations and the transfer of their property, real and personal, to the corporation hereby created, are hereby ratified and confirmed, and the said Congregation Chaari Zedek is hereby vested with and declared to be seized and possessed of all the estate, real and personal, of the said corporation.

Corporations consolidated.

Corporate name.

Corporators.

Corporate name.

Acts of trustees confirmed.

* So in original.

Trustees
to hold of-
fice until,
&c.

Not to sell
or lease
lands.

Burial
rights,
laws in re-
ference to.

Liens not
impaired.

§ 4. The said trustees shall hold their offices until the expiration of the term for which they have been elected as officers of the Congregation Chaari Zedek, and until their successors are elected.

§ 5. The said trustees shall have no power to alienate, sell, lease or use any of said lands for any other purpose than is herein specified.

§ 6. The said trustees are authorized to make such laws in connection with the conveyance of burial rights of any of the lands as they may deem advisable, not conflicting with any provisions of this act.

§ 7. Nothing herein contained shall impair the lien of any mortgage judgment, or other charge, now existing upon the property referred to in the third section hereof, nor the rights of any creditor of either of the congregations hereby consolidated; but all such claims shall be valid, and may be presented against the corporation hereby created, to the same extent as against the congregations hereby consolidated.

§ 8. This act shall take effect immediately.

Chap. 404.

AN ACT to release the title and interest of the People of this State in the real estate in this State, of which Mary Ann Reilly, late of the city of Buffalo, died seized or had an interest in at the time of her death.

Passed May 9, 1874; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Title of
State re-
leased.

SECTION 1. All the right, title and interest which the People of the State of New York have acquired by escheat in any real estate in the county of Erie and State of New York, whereof Mary Ann Reilly, late of the city of Buffalo, died seized or interested in, is hereby released to and vested in the heirs of said Mary Ann Reilly.

Proviso.

§ 2. Nothing in this act contained shall release, discharge or impair any right, claim or interest of any devisee, heir-at-law or creditor of the said Mary Ann Reilly, deceased.

§ 3. This act shall take effect immediately.

Chap. 405.

AN ACT in relation to the tolls upon the Western Plank-road Company's roads in the counties of Franklin and Clinton.

Passed May 9, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Western Plank-road Company, in the counties of Franklin and Clinton, is hereby authorized to demand and receive for every vehicle drawn by one or more animals one-half cent per mile for each and every animal in addition to the tolls it is now by law authorized to collect upon its roads.

§ 2. This act shall take effect immediately.

Chap. 406.

AN ACT to amend an act entitled "An act to authorize the lighting of public streets and avenues in the town of Fishkill, in the county of Dutchess," passed April ninth, eighteen hundred and seventy-three.

Passed May 9, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of the act entitled "An act to amend an act to authorize the lighting of public streets and avenues in the town of Fishkill, in the county of Dutchess," passed April ninth, eighteen hundred and seventy-three, is hereby amended so as to read as follows:

§ 4. Nothing contained in this act shall prevent the collection of taxes for expenses now incurred in accordance with the provisions of the act hereby amended; and the expense of lighting and maintaining lamps in the territory contained within the incorporation of the village of Fishkill Landing, and described in the act hereby amended as the first general lamp district, for the period from December first, eighteen hundred and seventy-two, to May first, eighteen hundred and seventy-three, shall be assessed upon and collected by the trustees of the said village, from all the taxable property within said village, at the same time and in the same manner as other village taxes are collected by law, and, when so collected, shall be paid to those entitled thereto.

Taxes, collection of not prevented.
Expenses of lighting lamps, &c., to be assessed and collected.

§ 2. This act shall take effect immediately.

Chap. 407.

AN ACT to legalize the acts of William H. Gardner as notary public.

Passed May 9, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the acts of William H. Gardner done as notary public, in and for the county of Kings, from the thirtieth day of March, eighteen hundred and seventy-three, to the fifteenth day of August, eighteen hundred and seventy-three, are hereby legalized and confirmed, so as to be as valid as if the said William H. Gardner had been a duly appointed and qualified notary public during said period; but nothing herein contained shall affect any suits or proceedings now pending in any of the courts of this State.

Official acts of notary legalized.
Proviso.

§ 2. This act shall take effect immediately.

Chap. 408.

AN ACT to legalize and confirm the official acts of Ira Tift as notary public in the town of Stephentown in the county of Rensselaer.

Passed May 9, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Official
acts of no-
tary legal-
ized.

SECTION 1. All acts and proceedings that have been done by Ira Tift, of Stephentown, in the county of Rensselaer, as notary public since the thirtieth day of March, eighteen hundred and seventy-three, are hereby legalized and confirmed, and shall be held to be of the same force and validity as if the term of office of said Ira Tift as such notary public had not expired on the thirtieth day of March, eighteen hundred and seventy-three.

Proviso.

§ 2. This act shall not affect the right of any party to any suit or legal proceeding which may have been commenced in consequence of the invalidity of the official acts of said Ira Tift as such notary public.

§ 3. This act shall take effect immediately.

Chap. 409.

AN ACT to amend chapter four hundred and thirty-three of the laws of eighteen hundred and seventy-two, entitled "An act to amend chapter seven hundred and twenty-one of the laws of eighteen hundred and seventy-one, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April twenty-sixth, eighteen hundred and seventy-one; also to repeal section thirty of said act," passed April twenty-ninth, eighteen hundred and seventy-two.

Passed May 9, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of chapter four hundred and thirty-three of the laws of eighteen hundred and seventy-two, entitled "An act to amend chapter seven hundred and twenty-one of the laws of eighteen hundred and seventy-one, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April twenty-sixth, eighteen hundred and seventy-one," is hereby amended by striking out the word "and" between the words "July and August" at the end of the following sentence in said section, to wit: "Nor seines or nets of any kind in the waters of Otsego lake, except from the first day of March to the last day of August, and no gill-nets, except during the months of July and August," and adding to said sentence, after the word "August," the words "and September."

Time for
fishing
with gill
nets
extended.

§ 2. This act shall take effect immediately.

Chap. 410.

AN ACT to authorize towns and villages to provide a sinking fund for the payment of their bonded indebtedness.

Passed May 11, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any town or incorporated village in the State of New York, having issued its bonds, or that may hereafter issue its bonds, under the provisions of law, and said bonds being a valid debt of said town or village to mature or become due in a specified period of time, may by a vote of a majority of the electors present, and voting at any annual town meeting or charter election of said village, raise by tax levied upon the taxable property of said town or village, such sum as may be specified by said vote in the manner hereinafter provided, for the purpose of buying and cancelling said bonds, or the purpose of providing a sinking fund for the ultimate payment of said bonds.

Tax may be levied for buying bonds or providing sinking fund.

§ 2. The town board consisting of the supervisor, town clerk and justices of the peace in towns, or the village trustees in villages, shall meet at least twenty days before the annual town meeting or the annual village election, and shall determine by a majority of said board what amount shall be annually raised for the purpose as described in section one of this act, and the form of the ballot and the manner of voting, and shall give notice of such voting by posting at least five notices in public places in said town or village setting forth the time of such voting, the amount to be raised, and the purpose for which the same is raised, and the result of such vote shall be operative until the same shall be changed by a vote of said electors taken in a similar manner at a subsequent election.

Amount to be determined by town board or village trustees.

Notice, how given.

§ 3. The money so raised shall be used to buy and cancel the said bonds provided the same can be purchased at their par value, or in case said bonds cannot be so purchased, said money shall be paid over to the county treasurer of the county, who shall loan the same at seven per cent. per annum interest, secured by mortgage on unincumbered real estate for a period of time equal to the time said bonds have to run, or invest the same in bonds of the State of New York or of the United States, and at the maturity of said town or village bonds, said money shall be applied to the payment of said bonds, and the supervisor of such town or president of the trustees of said village shall be charged with the duty of receiving said money from said county treasurer, giving security for the same in double the amount received; and of purchasing or paying said bonds, and of cancelling the same in the presence of the said town board or village trustees as the case may be.

Money raised, how to be disposed of.

Duty of supervisor of town or village president.

Chap. 411.

AN ACT to authorize the county of Essex to borrow money for the purpose of enlarging, repairing and improving its county poor-house, and to authorize the issue of bonds and provide for the payment thereof.

Passed May 11, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Treasurer to issue county bonds. SECTION 1. The treasurer of the county of Essex is hereby authorized and directed forthwith to issue the bonds of said county to an amount in the aggregate of five thousand dollars of principal, said bonds to be of such denominations, not less than fifty dollars nor more than five hundred dollars, as he shall deem advisable, the said bonds to be made payable at such times and in such amounts that bonds for fifteen hundred dollars of said five thousand dollars shall mature and become due on the first day of April, eighteen hundred and seventy-five, fifteen hundred dollars more thereof shall mature and become due on the first day of April, eighteen hundred and seventy-six, and the remaining two thousand dollars thereof shall mature and become due on the first day of April, eighteen hundred and seventy-seven. All of said bonds shall bear interest at the rate of seven per centum per annum, payable annually, and shall be payable to the order of William P. Merriam, chairman of the committee of the board of supervisors of said county on repairs, enlargement and improvement of the county poor-house, and shall not be valid or payable without his indorsement, as such chairman; and said bonds shall be payable by the treasurer of said county, at his office in said county.

When payable. § 2. Said bonds shall be delivered to William P. Merriam, Rowland C. Kellogg, Benjamin D. Clapp and Edmund S. Higby, committee of repairs, enlargement, etcetera, of said board aforesaid, their successors or survivors, and shall be sold by said committee as soon as practicable, but not at a rate or price below the amount or nominal value of the same respectively.

Rate of interest. § 3. The avails of said bonds shall be applied, by said committee, to the repair, enlargement and improvement of the county poor-house, pursuant to a resolution of said board, passed December twelfth, eighteen hundred and seventy-three.

Not valid unless indorsed. § 4. The said board of supervisors of the county of Essex shall cause to be levied, by tax upon the taxable property of said county, and collected and paid annually, such sums as may be necessary to provide for the payment of the interest on said bonds, and such portion of the principal thereof as shall become due on the first day of April then next ensuing, until provision has been thus made for the payment of the whole principal and the interest thereon; and the treasurer of said county shall apply the moneys so collected to the payment of the principal and interest aforesaid, as the said bonds shall mature as aforesaid.

Bonds, to whom to be delivered. § 5. This act shall take effect immediately.

To be sold.

Avails, how to be applied.

Tax for payment of bonds.

Chap. 412.

AN ACT to confirm the election and proceedings of the trustees of Friends academy.

Passed May 11, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The election of John J. Thomas, Edward W. Herendeen, Alexander M. Purdy, Emmot Haines, Thomas H. Burgess, James Wood and Isaac Mekeell as trustees of Friends Academy, an incorporated academic institution, located at Union Springs in the county of Cayuga, is hereby confirmed, and they are declared to have been duly elected the trustees of said academy. All vacancies in their number shall hereafter be filled as provided for in the Revised Statutes relating to academies. Election of trustees confirmed.

§ 2. The proceedings of the said trustees are hereby confirmed and made valid, without prejudice to any legal proceedings already had in regard to the same, should any have been instituted. Their proceedings legalized.

§ 3. This act shall take effect immediately.

Chap. 413.

AN ACT to authorize the trustees of the village of Jamestown to raise by tax upon the village a sum of money, for the purpose of laying water-pipe in certain streets in said village.

Passed May 11, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The trustees of the village of Jamestown, in the county of Chautauqua, are hereby authorized to raise by tax upon the taxable real and personal property therein, a sum not to exceed five thousand dollars to be expended in laying water-pipe from the main pipe on Main street, along East Second and Chandler streets, and for purchasing necessary hydrants; provided, however, that the consent of a majority of the tax-payers in said village voting at a special meeting called for that purpose be first obtained. Objects.

§ 2. The notice for such special meeting shall be published at least four times consecutively in each of the daily newspapers published in said village. Notice of special meeting.

§ 3. The qualifications of voters at such special meeting shall be the same as prescribed in section second of title eight, of chapter three hundred and thirty-four of the laws of eighteen hundred and sixty-nine. Qualifications of voters.

§ 4. This act shall take effect immediately.

Chap. 414.

AN ACT relating to the commitment of indigent and pauper insane persons to the State Homœopathic asylum for the insane at Middletown.

Passed May 11, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Indigent
insane
persons
may be
commit-
ted to
State
Homœo-
pathic
Asylum.

SECTION 1. County judges and superintendents of the poor in any of the counties of this State, and all county or other officers having authority to commit insane persons to any of the State lunatic asylums in this State, are hereby authorized to commit indigent and pauper insane persons for whom homœopathic treatment may be desired, to the State Homœopathic asylum for the insane at Middletown, in the same manner and on the same terms and conditions as are now required or may hereafter be required by law for the commitment of indigent or pauper insane persons to any of the other State lunatic asylums in this State, provided the number, in the aggregate, of such patients shall not exceed the accommodations at the disposal of the superintendent in said asylum.

§ 2. This act shall take effect immediately.

Chap. 415.

AN ACT to legalize the acts of Ralph Beach, Junior, a justice of the peace of the county of Lewis.

Passed May 11, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Official
acts of jus-
tice of the
peace le-
galized.

SECTION 1. All the proceedings and official acts of Ralph Beach, Junior, of the town of Watson, of the county of Lewis, a justice of the peace since the thirtieth day of October, eighteen hundred and seventy-three, are hereby legalized and confirmed, and shall be of the same force and validity as if the said Ralph Beach, Junior, had duly qualified as such justice of the peace.

Proviso.

§ 2. Nothing in this act contained shall affect any action or proceeding now pending.

§ 3. This act shall take effect immediately.

Chap. 416.

AN ACT further to amend section six of chapter two hundred and eighty of the laws of eighteen hundred and forty-five, entitled "An act for the publication of the session laws in two newspapers in each county of this State," passed May fourteenth, eighteen hundred and forty-five.

Passed May 11, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of chapter two hundred and eighty of the laws of eighteen hundred and forty-five, entitled "An act for the publication of the session laws in two newspapers in each county of this State," is hereby amended so as to read as follows:

§ 6. The publisher of each of the papers so designated as aforesaid, shall be entitled to receive for such publication of all the laws above specified, a sum not exceeding fifty cents for each folio, such amount to be determined by the board of supervisors in each county. Rate per folio.

§ 2. This act shall take effect immediately.

Chap. 417.

AN ACT to provide ways and means for the support of government.

Passed May 11, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be imposed for the fiscal year, beginning on the first day of October, eighteen hundred and seventy-four, on each dollar of real and personal property of this State, subject to taxation, taxes for State purposes hereinafter mentioned, which taxes shall be assessed, levied and collected by the annual assessment and collection of taxes for that year, in the manner prescribed by law, and shall be paid by the several county treasurers into the treasury of this State, to be held by the Treasurer for application to the purposes specified, that is to say, for the general fund, and for the payment of those claims and demands which shall constitute a lawful charge upon that fund during the fiscal year commencing October first, eighteen hundred and seventy-four, one and one-half mills. State taxes for the fiscal year beginning Oct. 1st, 1874.

For deficiency in the general fund, including the amount stolen from the State treasury to September thirtieth, eighteen hundred and seventy-four, sixty-nine one hundred and sixtieths of one mill. For the general fund.

For the free school fund for the maintenance of common schools in this State, one mill and one-fourth of one mill, pursuant to chapter four hundred and six of the laws of eighteen hundred and sixty-seven. Free school fund.

For the payment of the interest and redemption of the principal of the State debt of two and one-half million dollars, as provided in chapter two hundred and seventy-one of the laws of eighteen hundred and fifty-nine, one-tenth of one mill. State debt.

State
bounty
debt.

For the payment of the interest and to provide for the redemption of the State bounty debt, pursuant to chapter three hundred and twenty-five of the laws eighteen hundred and sixty-five, two mills.

New Cap-
itol.

For the purposes of the new Capitol, one-half of one mill.

Asylums
and refor-
matories.

For continuing the erection of the asylums and reformatories now in process of construction, six-sixteenths of one mill.

§ 2. This act shall take effect immediately.

Chap. 418.

AN ACT to provide for the building of a town house in the town of Bombay, in the county Franklin.

Passed May 11, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Special
town
meeting
to be
called.

SECTION 1. The board of auditors of the town of Bombay, in the county of Franklin, are hereby authorized and empowered to call a special town meeting of the electors of said town, in the manner prescribed by law for the calling of special town meetings, at which special meeting a vote of said electors shall be taken whether the sum of fifteen hundred dollars shall be assessed and collected from the taxable property of said town, for the purpose of purchasing a site and erecting a town house for the said town of Bombay, in the village of Bombay, to be used for town purposes. If the said board of town auditors shall decide not to call a special meeting as hereinbefore provided, then the vote of the electors of said town shall be taken upon the said question at the next annual town meeting held in said town for the election of town officers. The said vote shall in any case be taken by ballot.

Vote to be
taken
thereat.

Electors
may vote
upon the
question
at next an-
nual town
meeting.

Board of
supervis-
ors to levy
the sum
voted.

§ 2. If a majority of the electors voting at said meeting upon the aforesaid question, shall vote in favor of raising said money as specified in the first section of this act, then the board of supervisors of the county of Franklin shall, at their first annual meeting after the said vote shall have been taken, assess and cause to be levied upon the real and personal property of the said town of Bombay, in the same manner as the town and county charges are assessed and levied, the said sum of fifteen hundred dollars, for the purposes mentioned in the first section of this act.

Moneys to
be paid to
commis-
sioners.
To exe-
cute bond.

§ 3. The said moneys, when collected, shall be paid to Alvin Russell, Francis Shields and Ansel F. Willey, who are hereby constituted commissioners for receiving said moneys and for procuring a site and building said town house, but before receiving any money under this act, they shall severally execute a bond with good and sufficient sureties, to be approved by the county judge of said county in the sum of one thousand dollars, conditioned for the faithful performance of their duties under this act. Vacancies in said board of commissioners occasioned by death, resignation or refusal to serve, shall be filled by the county judge of said county.

Vacan-
cies, how
filled.

Commis-
sioners to
render ac-
count.

§ 4. The said commissioners shall render a just and true account upon oath of all moneys received and disbursed by them under this act to the board of town auditors of said town of Bombay, and shall be jointly and severally liable for the faithful expenditure of such moneys for the purposes contemplated in this act. Said commissioners shall receive no compensation for their services as such.

Chap. 419.

AN ACT to enable the town of Sardinia, Erie county, to raise money to build a town hall.

Passed May 11, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The supervisor of the town of Sardinia and John Cole, George W. Strong, Alfred Rice and James Hopkins, shall constitute a board of commissioners in said town, to purchase land and to construct and erect a town hall thereon in the village of Sardinia, in said town, in which public meetings and courts may be held, and in which the annual town and general elections shall be held, and for such other purposes as they deem expedient for the use and convenience of said town. The cost of which shall not exceed the sum of five thousand dollars, which the said commissioners shall borrow on the credit of said town, at a rate of interest not exceeding seven per centum, to be paid by installments in one, two, three, to five years inclusive, to be levied and collected in the same manner and time as other taxes are now collected by law in said town. The amount borrowed to be paid in yearly installments of one thousand dollars each, with the interest on the whole sum due and to become due at the time of each payment.

Board of commissioners to purchase land and erect town hall.

Cost not to exceed \$5,000.

Amount to be borrowed.

How to be paid.

§ 2. The said commissioners shall execute the bonds of said town, not exceeding in the aggregate the sum of five thousand dollars, in sums from one hundred to one thousand dollars each, with coupons attached, bearing interest at the rate of seven per centum per annum; one thousand dollars to be paid each year together with the interest on all the bonds due or to become due from the date of their issue. The said bonds shall not be sold by the commissioners at less than par, and the avails thereof shall be applied for the purpose mentioned in said first section of this act.

Commissioners to execute bonds.

Interest.

Bonds not to be sold at less than par.

§ 3. The said commissioners before entering upon their duties shall execute and deliver to the town board of the aforesaid town of Sardinia, consisting of the town clerk and the justices of the peace, a bond with good and sufficient sureties, and in double the amount of the conditioned town bonds, and for the faithful expenditure of the same, as mentioned in said first section of this act.

Commissioners to give bond.

§ 4. All the rents and profits of said building after paying all expenses of insurance, repairs, warming, lighting and taking care of the same shall be applied each year towards the payment of said bonds until the same are cancelled; and the board of supervisors of the county of Erie shall each year levy and cause to be collected in the same manner and at the same time as other town taxes are levied and collected, a tax upon all the taxable property that may from year to year be assessed within said town, the amount certified by the supervisor and one of his associate commissioners requisite after deducting rents for the payment of interest due each year, and one thousand dollars of principal of the debt created under the provisions of this act; and the said amount shall be applied annually toward the extinction of said bonded debt.

Rents and profits to be applied to pay bonds.

Supervisors to levy annual tax for payment of bonds.

§ 5. The supervisor of said town shall be treasurer of all rents and proceeds collected from the lessees of said town hall. The town clerk shall collect all rents and immediately pay over the same to the super-

Treasurer
Town clerk to collect.

Book to
be kept.

visor of said town and shall receive two per cent. for his services, and the said supervisor shall keep a separate book denominated town hall accounts, and the town clerk and justices of the peace shall audit all said accounts, and submit the same at the annual town meeting of each year.

Vacancy,
how filled.

§ 6. In case of vacancy in the board of commissioners by reason of death or resignation of any of the said commissioners or his removal from the town of Sardinia, or refusing to act as such commissioner, said vacancy may be filled by the remaining commissioners.

§ 7. This act shall take effect immediately.

Chap. 420.

AN ACT reappropriating certain moneys for the improvement of the navigation of Peconic river, in the county of Suffolk.

Passed May 11, 1874; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of five thousand dollars, appropriated for the improvement of the navigation of the Peconic river, in the county of Suffolk, by chapter eight hundred of the laws of eighteen hundred and seventy-two, entitled "An act making an appropriation for the improvement of the navigation of Peconic river, in the county of Suffolk," passed May twenty-first, eighteen hundred and seventy-two, is hereby reappropriated for the benefit of said improvement, and the Treasurer of the State of New York is hereby directed to pay on the warrant of the Comptroller said sum to the said commissioners, in the same manner and upon the same conditions provided by said act passed May twenty-first, eighteen hundred and seventy-two.

§ 2. This act shall take effect immediately.

Chap. 421.

AN ACT to secure to children the benefits of elementary education.

Passed May 11, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Children
to be in-
structed.
To attend
school at
least 14
weeks a
year.

SECTION 1. All parents and those who have the care of children shall instruct them, or cause them to be instructed, in spelling, reading, writing, English grammar, geography and arithmetic. And every parent, guardian or other person having control and charge of any child between the ages of eight and fourteen years shall cause such child to attend some public or private day school at least fourteen weeks in each year, eight weeks at least of which attendance shall be consecutive, or to be instructed regularly at home at least fourteen weeks in each year in spelling, reading, writing, English grammar, geography and arithmetic, unless the physical or mental condition of the child is such as to render such attendance or instruction inexpedient or impracticable.

§ 2. No child under the age of fourteen years shall be employed by any person, to labor in any business whatever during the school hours of any school day of the school term of the public school in the school district or the city where such child is, unless such child shall have attended some public or private day-school where instruction was given by a teacher qualified to instruct in spelling, reading, writing, geography, English grammar and arithmetic, or shall have been regularly instructed at home in said branches, by some person qualified to instruct in the same, at least fourteen weeks of the fifty-two weeks next preceding any and every year in which such child shall be employed, and shall, at the time of such employment, deliver to the employer a certificate in writing, signed by the teacher, or a school trustee of the district or of a school, certifying to such attendance or instruction; and any person who shall employ any child contrary to the provisions of this section, shall, for each offense, forfeit and pay a penalty of fifty dollars to the treasurer or chief fiscal officer of the city or supervisor of the town in which such offense shall occur, the said sum or penalty, when so paid, to be added to the public school money of the school district in which the offense occurred.

No child to be employed to labor, unless, &c.

Certificate.

Penalty.

§ 3. It shall be the duty of the trustee or trustees of every school district, or public school, or union school, in every town and city, in the months of September and of February of each year to examine into the situation of the children employed in all manufacturing establishments in such school district; and, in case any town or city is not divided into school districts, it shall, for the purposes of the examination provided for in this section, be divided by the school authorities thereof into districts, and the said trustees notified of their respective districts, on or before the first day of January of each year; and the said trustee or trustees shall ascertain whether all the provisions of this act are duly observed, and report all violations thereof to the treasurer or chief fiscal officer of said city or supervisor of said town. On such examination, the proprietor, superintendent or manager of said establishment shall, on demand, exhibit to said examining trustee, a correct list of all children between the ages of eight and fourteen years employed in said establishment with the said certificates of attendance on school, or of instruction.

School trustees to examine into situation of children employed in manufacturing establishments.

Towns and cities to be districted.

Violations to be reported.

§ 4. Every parent, guardian or other person having control and charge of any child between the ages of eight and fourteen years, who has been temporarily discharged from employment in any business, in order to be afforded an opportunity to receive instruction or schooling, shall send such child to some public or private school, or shall cause such child to be regularly instructed as aforesaid at home for the period for which such child may have been so discharged, to the extent of at least fourteen weeks in all in each year, unless the physical or mental condition of the child is such as to render such an attendance or instruction inexpedient or impracticable.

Parent or guardian to send child to school, &c.

§ 5. The trustee or trustees of any school district or public school, or the president of any union school, or in case there is no such officer, then such officer as the board of education of said city or town may designate, is hereby authorized and empowered to see that sections one, two, three, four and five of this act are enforced, and to report in writing all violations thereof, to the treasurer or chief fiscal officer of his city or to the supervisor of his town; any person who shall violate any provision of sections one, three and four of this act, shall, on written notice of such violation, from one of the school officers above named, forfeit, for the first offense, and pay to the treasurer or chief fiscal officer of the city

Trustees to see that certain provisions of this act are enforced.

Penalties.

Penalties to be added to school money.

If parent or guardian is unable to furnish text books, trustees to furnish them.

Habitual truants.

Boards of education or trustees to make needful rules and regulations concerning truants.

To provide suitable places for discipline, &c.

Rules, &c., to be approved by a justice of the supreme court.

To be filed and printed.

or to the supervisor of the town in which he resides, or such offense has occurred, the sum of one dollar, and after such first offense, shall, for each succeeding offense in the same year, forfeit and pay to the treasurer of said city or supervisor of said town the sum of five dollars for each and every week, not exceeding thirteen weeks in any one year during which he, after written notice from said school officer, shall have failed to comply with any of said provisions; the said penalties, when paid, to be added to the public school money of said school district in which the offense occurred.

§ 6. In every case arising under this act where the parent, guardian, or other person having the control of any child between the said ages of eight and fifteen* years, is unable to provide such child for said fourteen weeks with the text-books required to be furnished to enable such child to attend school for said period, and shall so state in writing to the said trustee, the said trustee shall provide said text-books for said fourteen weeks at the public school for the use of such child, and the expense of the same shall be paid by the treasurer of said city or the supervisor of said town on the certificate of the said trustee, specifying the items furnished for the use of such child.

§ 7. In case any person having the control of any child between the ages of eight and fourteen years, is unable* to induce said child to attend school for the said fourteen weeks in each year and shall so state in writing to said trustee, the said child shall, from and after the date of the delivery to said trustee of said statement in writing, be deemed and dealt with as an habitual truant, and said person shall be relieved* of all penalties incurred for said year after said date, under sections one, four and five of this act, as to such child.

§ 8. The board of education or public instruction, by whatever name it may be called in each city, and the trustees of the school districts and union school in each town by an affirmative vote of a majority of said trustees at a meeting or meetings to be called for this purpose, on ten days' notice in writing to each trustee, said notice to be given by the town clerk, are for each of their respective cities and towns hereby authorized and empowered and directed on or before the first day of January, eighteen hundred and seventy-five, to make all needful provisions, arrangements, rules and regulations concerning habitual truants and children between said ages of eight and fourteen years of age, who may be found wandering about the streets or public places of such city or town during the school hours of the school day of the term of the public school of said city or town, having no lawful occupation or business, and growing up in ignorance, and said provisions, arrangements, rules and regulations shall be such as shall, in their judgment, be most conducive to the welfare of such children, and to the good order of such city or town; and shall provide suitable places for the discipline and instruction and confinement, when necessary, of such children, and may require the aid of the police of cities and constables of towns to enforce their said rules and regulations; provided, however, that such provisions, arrangements, rules and regulations, shall not go into effect as laws for said several cities and towns, until they shall have been approved, in writing, by a justice of the supreme court for the judicial district in which said city or town is situated, and when so approved he shall file the same with the clerk of the said city or town who shall print the same and furnish ten copies thereof to each trustee of each school district or public or union school of said city or town. The said

* So in original.

trustees shall keep one copy thereof posted in a conspicuous place in or upon each school-house in his charge during the school terms each year. In like manner, the same, in each city or town may be amended or revised annually in the month of December.

Copy to be posted in or upon school-house.

§ 9. Justices of the peace, civil justices and police justices shall have jurisdiction, within their respective towns and cities, of all offenses and of all actions for penalties or fines described in this act, or that may be described in said provisions, arrangements, rules and regulations authorized by section eight of this act. All actions for fines and penalties under this act, shall be brought in the name of the treasurer or chief fiscal officer of the city or supervisor of the town to whom the same is payable, but shall be brought by and under the direction of the said trustee or trustees, or said officer designated by the board of education.

Justices of the peace, &c., to have jurisdiction.

Actions, by whom brought.

§ 10. Two weeks attendance at a half time or evening school shall for all purposes of this act be counted as one week at a day school.

Evening schools.

§ 11. This act shall take effect on the first day of January, eighteen hundred and seventy-five.

Chap. 422.

AN ACT to further amend the charter of the Union Theological Seminary in the city of New York.

Passed May 11, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The limitation of the amount of personal property which the "Union Theological Seminary in the city of New York" is, by existing statutes, authorized to acquire, hold, and dispose of, is hereby increased from two hundred thousand dollars to five hundred thousand dollars exclusive of the library, and of such professorships, scholarships, and lectureships, or other offices connected with the educational department of the seminary as are now or may hereafter be from time to time endowed.

§ 2. This act shall take effect immediately.

Chap. 423.

AN ACT to amend an act entitled "An act to incorporate the Union League Club" of the city of New York, passed February sixteenth, eighteen hundred and sixty-five, and the act amendatory thereof, passed March twenty-sixth, eighteen hundred and sixty-seven.

Passed May 11, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The third section of the act entitled "An act to incorporate 'The Union League Club' of the city of New York," passed February sixteenth, eighteen hundred and sixty-five as amended by the act entitled "An act to amend an act entitled 'An act to incorporate the

Amendment.

Union League Club of the city of New York,' passed February sixteenth, eighteen hundred and sixty-five," passed March twenty-sixth, eighteen hundred and sixty-seven, is hereby amended so as to read as follows :

Corporation may purchase or lease real or personal estate.

§ 3. Said corporation may purchase and hold, or lease any real or personal estate necessary and proper for the purposes of its incorporation, provided they shall not hold any real estate, the value of which shall exceed fifteen hundred thousand dollars ; and the said corporation may issue bonds and may execute mortgages upon their real estate to an amount not exceeding the value of such real estate and the improvements thereon.

§ 2. This act shall take effect immediately.

Chap. 424.

AN ACT prohibiting the killing of quail within the counties of Orleans and Genesee for the period of three years, from the passage of said act.

Passed May 11, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Quail not to be killed.

SECTION 1. No person shall, at any time, for the space of three years, within the counties of Genesee, Cayuga and Wayne and Orleans, kill, trap or snare any quail, under a penalty of five dollars for each quail so killed, trapped or snared.

Penalty.

§ 2. Any person offending against the preceding section shall be prosecuted as directed in section twenty of laws of eighteen hundred and sixty-seven, for the preservation of birds, fresh-water fish, wild deer and other game, passed May thirteen, eighteen hundred and sixty-seven.

§ 3. This act shall take effect immediately.

Chap. 425.

AN ACT to release and convey to Sarah E. Morel all the interest of the People of the State of New York in certain real estate situate in the city of Brooklyn, county of Kings.

Passed May 11, 1874 ; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Title of State to land in Brooklyn released.

SECTION 1. All the claim, right, title and interest of the People of the State of New York of, in and to all that certain lot, piece or parcel of land, with the buildings thereon erected, situate, lying and being in the twenty-fourth ward (formerly ninth ward) of the city of Brooklyn, county of Kings, bounded and described as follows : Beginning on the northerly side of Pacific street, at a point distant two hundred and seventy-five feet westerly from the northwesterly corner of Pacific street and Troy avenue ; running thence northerly, parallel with Troy avenue, one hundred feet ; thence westerly, parallel with Pacific street,

one hundred feet; thence southerly, and again parallel with Troy avenue, one hundred feet, to Pacific street; thence easterly along the northerly side of Pacific street aforesaid, one hundred feet to the place of beginning; and all right, title and interest of, in and to Pacific street to the middle thereof in front of and adjoining said premises, is hereby released to Sarah E. Morel, the widow of Junius C. Morel, her heirs and assigns forever.

§ 2. Nothing herein contained shall be construed to impair, release Proviso. or discharge any right, claim or interest of any purchaser, heir-at-law, devisee or grantee, or of any creditor by mortgage, judgment or otherwise, in said real estate.

§ 3. This act shall take effect immediately.

Chap. 426.

AN ACT to provide for the care of the lands and buildings known as Washington's Headquarters, in the city of Newburgh, and the property connected therewith.

Passed May 11, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. W. C. H. Sherman, James W. Taylor, James G. Graham, C. B. Martin, David Carson, Peter Ward, E. C. Boynton, Joseph H. H. Chapman, Joel T. Headley and David Moore are hereby appointed First trustees. trustees of Washington's Headquarters, in the city of Newburgh in the county of Orange, two of whom shall serve for one year, two for two years, two for three years, two for four years and two for five years, to be determined by lot by said trustees at their first meeting, and annually thereafter one trustee shall be appointed by the Governor and Senate to serve five years, and until others are appointed in their stead. The first meeting of the said trustees shall be held on the first Tuesday of May, one thousand eight hundred and seventy-four, and annually thereafter on the first Tuesday in April in each and every year, at which meeting they shall appoint one of their number president, and the said trustees shall be known as the board of trustees of Washington's Headquarters.

§ 2. The said trustees shall have the care and management of said headquarters, and shall direct the expenditures of all moneys subscribed or donated for the improvement at said headquarters, with power to make rules for the regulation thereof, and it shall be their duty to provide for the preservation thereof, and for the protection of all property belonging to the State of New York deposited therein; but no debt shall be incurred and no expenditure made unless funds are in the hands of the treasurer of said trustees sufficient to meet and pay such liabilities. Nor shall the State at any time be called upon for any appropriation for any expenses connected with said headquarters, or for any improvement thereof. One to be appointed annually. First meeting. Annual meeting. To have the care and management of headquarters, &c. No debt to be incurred. State not to make appropriation, &c.

§ 3. The said trustees may appoint a superintendent, who shall reside on the premises and keep the same open for visitors, at all reasonable hours. Superintendent.

§ 4. No trustee or superintendent shall have any interest, direct or indirect, in any contract for materials or labor provided pursuant to Not to have interest in

any contract or have compensation.

this act. Nor shall any trustee, secretary or treasurer receive any compensation for any services to be rendered by them in connection with said headquarters.

Repeal.

§ 5. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 6. This act shall take effect immediately.

Chap. 427.

AN ACT to amend an act entitled "An act providing for the opening and improvement of new roads and avenues and closing old highways in the town of Flatbush, in Kings county," passed April nineteenth, eighteen hundred and seventy-one.

Passed May 11, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Application to open street, &c.

SECTION 1. Whenever any application shall be made to "The Board of Improvement of the town of Flatbush, in Kings county," organized under chapter five hundred and sixty-seven of the laws of this State, passed April nineteenth, eighteen hundred and seventy-one, entitled "An act providing for the opening and improvement of new roads and avenues, and closing old highways in the town of Flatbush, in Kings county," to open or improve any street or avenue or any portion thereof, or to close any public road or avenue, or any part thereof in the said town of Flatbush, as in said act provided, the applicant or applicants shall deposit with the said board or its treasurer a sufficient sum to pay the cost and expense of the publication of the notice of the pendency of such application as in said act and herein required. In case such application is granted the cost and expense of such publication shall constitute and be assessed as a part of the expense of the proceeding, and be included in the report of the commissioners appointed to apportion and assess such expense, and the sum so deposited shall be returned to the party making the deposit when collected in such proceeding, and not otherwise.

Applicant to make deposit.

Cost and expense of publication.

Notices, publication thereof.

Cost and expense thereof.

Collector to collect one per

§ 2. All notices that are under the provisions of the said act required to be published in two of the daily newspapers printed and published in the city of Brooklyn, shall also be published at least twice in a newspaper printed and published in the said town of Flatbush, if any, and the notice and sale of lands for assessments, or balance of assessments over awards, under and in pursuance of section seventeen of the said act and the provisions herein contained, shall be published once a week for four weeks successively in such newspaper, if any, printed and published in the town of Flatbush, before the day designated for the sale thereof. The cost and expense of the said additional publication of such notice of sale shall form a part of the expense of such sale and the proceedings incidental thereto, within the meaning of said section seventeen and the provisions herein contained, and shall be added to the cost of advertising the same, as thereby required. The cost and expense of publishing all other notices, as above directed, shall form part of the expense of the proceedings to which they relate.

§ 3. The collector to whom the warrant for the collection of assessments or balance of assessments over awards is delivered, as is pro-

vided by section sixteen of the said act and the provisions herein contained, shall, in addition to the sums or amounts thereby authorized to be collected, collect one per cent. on such assessments, or balance of assessments, for the fees of the treasurer appointed under the said act, in receiving and disbursing, or disposing of the same as therein directed, and such warrant shall command and authorize him to collect such additional sum with and over and above the sums or amounts which in and by said section and said provisions are authorized and directed to be collected, and when collected to pay the same to the treasurer, with the other money to be paid to him.

cent. for
fees of
treasurer.

Warrant.

§ 4. When a sum of money in gross has heretofore been or shall hereafter be assessed upon any parcel of land designated in the report of the commissioners of estimate and assessment on or for the opening of any street or avenue or in the report of the commissioners appointed to assess the expenses of improving any street or avenue, any person or persons claiming to be interested in a divided or undivided part thereof may at any time before the same is sold as in said act and herein authorized and directed, pay such part of the said sum and of the sums payable for collector's and treasurer's fees and interest under the provision of the said act and those contained herein, as the board of improvement or the president thereof shall deem and certify to be just and equitable, and the remainder or balance of the sum so assessed, and of the sums payable for such fees and interest as aforesaid, shall be chargeable on the residue of such parcel only which may be sold as in said act and herein provided to satisfy such remainder or balance, in the same manner and with like effect as if the remainder or balance of the sum so assessed had been imposed on the residue of such parcel only. It shall be the duty of the said board of improvement and the president thereof to make such apportionment, upon application in writing by any party interested, stating the nature and extent of such interest accompanied by a diagram of the parcel and showing thereon also the true limits and boundaries of the shares therein of such applicant, or the part thereof belonging to him if a divided interest is claimed. Such application if made to the president, and his apportionment shall be reported by him to the board at its first meeting thereafter; the application shall in all cases (whether made to the board itself or its president with the apportionment made thereon), be entered in the minutes of the proceedings of the said board, and after being so entered, shall be filed in the office of the town clerk of the said town with the report of the commissioners containing the assessment.

When a
gross sum
has been
assessed
upon any
parcel of
land, per-
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equitable
portion of
the assess-
ment.

Balance
chargeable
upon
residue of
such parcel
only.

Board of
improve-
ment and
president
to make
the appor-
tionment.

President
to report
appor-
tionment.

Applica-
tion to be
entered in
minutes,
&c.

§ 5. If the amount payable for or on account of any divided or specified portion of any parcel of land or for or on account of any undivided interest or otherwise, apportioned as is above provided, shall be paid to a collector appointed under the said act or under the provisions herein contained, he shall state the fact of such apportionment and payment on the return of his warrant to the treasurer of the board in addition to the other facts now required to be stated in such return, and any party may, after such return, at any time before the premises assessed are directed by the said board to be sold, pay to the said treasurer any assessment or balance of assessment over awards or the portion thereof returned as unpaid with one per cent. thereon, and in addition thereto, for his fees and interest on such assessment or balance of assessment, or such portion thereof as aforesaid, at the rate of fourteen per cent. per annum from the day such warrant was returned to him; and the said treasurer shall receive the said sums, and he shall on the receipt thereof give to the person making such payment a certificate of the fact, exe-

When col-
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his return.

Party in-
terested
may pay
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&c.

Fees and
interest.

Certifi-
cate.

being executed in the presence of a subscribing witness which, after its execution shall have been acknowledged or proved in the same manner as a deed is required to be acknowledged or proved to entitle it to be recorded, shall be filed in the office of the register of the county of Kings and recorded in a book for recording deeds, and thereupon the lien created by such assessment or balance of assessment over award shall cease and be discharged to the extent of the amount or proportion so paid and so far as related to the land or the interest therein as to which such payment was made.

§ 6. The treasurer of the said board shall, after the return by the collector of his warrant of collection as aforesaid, present such return to the board with a statement of the day on which it was made to him, and of the amount paid to him by the collector, and also of the sum or sums, if any, subsequently paid to himself, for or on account of any assessment or balance of assessment over award, and for interest thereon, in pursuance of the provisions herein contained, and the said board shall thereupon order and cause the land and premises, and any share or interest therein on which any assessment or balance of assessments over award or portion thereof remained unpaid at the time of such report, to be sold at public auction at any convenient place in the said town of Flatbush, to the person or persons who will purchase the same for the lowest term of years on paying such assessment or balance of assessment or portion thereof, and interest thereon at the rate of fourteen per cent. per annum from the day such warrant was returned by the collector, together with six per cent. on such assessment or balance of assessment or portion thereof, and the expenses of such sale and the proceedings incidental thereto, including the expense of giving the notice of sale which is in and by the said act and herein directed and required to be given instead and in lieu of the payments mentioned in the seventeenth section of the said act. If any payment has been made to the collector at the time of his return or to the treasurer at the time of his report, of a part of an assessment or balance of assessment over award after an apportionment thereof as herein provided, the notice of sale shall state what part of the parcel on which it was assessed, or what interest therein is to be sold, and for what portion of such assessment, or balance of assessment, it is to be made. After a sale is ordered, as herein provided, it shall be necessary, in order to procure a discharge of the lien by any assessment or balance of assessment or a portion thereof remaining unpaid, that the amount thereof, with six per cent. thereon in addition, and interest at the rate of fourteen per cent. per annum, from the time of the return of the collector's warrant as aforesaid shall be paid to the clerk, besides the fees for acknowledging the certificates of payment in every case and after the premises are advertised, the expense of advertising or posting the notice of sale or the proportion thereof chargeable therefor, to be ascertained as is in the said seventeenth section provided, shall be paid in addition thereto, instead and in lieu of the amounts specified in the last clause of the said section, and said section, as applicable to sales hereafter ordered, is hereby amended in conformity with the above provisions and requirements.

§ 7. If any assessments or balance of assessment over awards on the parcels of land heretofore advertised to be sold by order of the said board of improvement shall remain unpaid on the day designated for the sale thereof, or on the day to which any sale or sales thereof have been adjourned, the clerk, on offering the said parcels or any of them for sale on such day or any day thereafter, to which the sale or sales shall or may be adjourned, shall declare and announce that the purchaser or pur-

chasers will be required to pay six per cent. on and in addition to the amount of such assessment or balance of assessment over award, and four per cent. additional interest over and above the interest and the other sums and expenses specified in the said seventeenth section of the said act, and such additional amount of percentage and interest shall be included in the consideration or purchase money to be stated in the certificate of sale delivered to such purchaser or purchasers, and such consideration or purchase money shall be required to be paid by any person or persons claiming to redeem the premises sold from the sale thereof; such sale shall have the same effect as if the said section had, in express terms, provided for and required the payment of the said six per cent. on and added to the amount of such assessment or balance of assessment over award, with such additional interest, and such requirement had been inserted in the notice of sale, and after such designated or adjourned day the said clerk shall be entitled to demand of the party or parties offering to pay any assessment or balance of assessment over award, or any portion thereof unpaid, six per cent. thereon with such additional interest as aforesaid. The said clerk previous to the day designated in a notice of sale now advertised, and the day to which any sale or sales have been adjourned as aforesaid, may publish a notice in general terms in a newspaper printed and published in the said town of Flatbush, if any, that the parcels of land or the portions thereof or the interest therein on which any assessment or balance of assessment over award or any portion thereof remain unpaid, without any specification thereof, will be sold to any person or persons who will purchase the same for the lowest term of years, on paying the sums in this section specified, but that the payment of the said six per cent. and such additional interest will not be required if made before the day of sale. The omission of such publication shall not vitiate or in any manner affect the validity of such sale or sales. The expense of publishing such notice or notices shall be paid by the treasurer out of the interest received by him. The said clerk may receive any portion of such assessment or balance of assessment over award, after the apportionment thereof as herein above provided, with the interest thereon and expenses specified in the said seventeenth section before the day designated for the sale of the premises in such advertisement, or by adjournment of the sale in this section referred to, and without the payment of any additional sum for the fees of the clerk, for collecting, or of the treasurer for receiving or disbursing the same, and he shall on such payment, and the payment of the fees mentioned in the last clause of the said seventeenth section, give a certificate of the fact, stating the amount paid, and on what portion or interest in the premises the payment is made, which certificate shall be acknowledged, filed and recorded, and the lien of such assessment, or balance of assessment over award, shall thereupon cease and be discharged so far as it affects or relates to the premises, or the portion thereof, or interest therein, for and on account of which such payment, as specified in the said certificate, was made.

centage and interest.

To be included in purchase money.

To be paid by person redeeming.

Clerk may demand same of party offering to pay assessment.

Clerk may publish notice.

What to contain.

Omission, effect of.

Clerk to give certificate.

When lien to cease.

§ 8. The nineteenth section of the said act is hereby amended, by the substitution of the word "of" for the word "to" whenever the latter word precedes the words "the assignee" or the words "such assignee," so that the said section shall provide for paying to the treasurer of the board the monies required to redeem the land sold for the benefit of the party to whom the certificate of sale was given, or of the assignee thereof filing an assignment on a duly certified copy thereof as in said act provided, and shall state that the amount so paid shall be deposited

Amendment.

Redemption money may be paid to the treasurer.

Treasurer to deposit same.	by the said treasurer in the Brooklyn Trust Company, to the credit of the party named in such certificate or of such assignee. The said section is further amended by adding the following clause thereto, viz:
When there is separate interest, board may apportion assessment.	"In case there shall have been separate interest, divided or undivided, in any piece or parcel of land for any assessment or balance of assessment over award thereon, or for any portion thereof, at the time of such sale, and such fact shall be made to appear to the satisfaction of the said board of improvement by affidavit taken before a notary public or commissioner of deeds (any of whom is hereby authorized to take it) or other satisfactory evidence, the said board may apportion the amount for which said piece or parcel of land shall have been sold between the several interests, and the preceding provisions in reference to redemption from sales shall apply to the several interests and amounts so apportioned, so that any party claiming such interest or a lien thereon, may redeem the same from the sale by paying to the said treasurer the amount required for such redemption, according to such apportionment.
Redemption.	The affidavit or affidavits presented for the purpose of obtaining such apportionment shall be recorded in the proceedings of the board, and the nature of the other evidence, with the said apportionment, shall also be stated in the said proceedings, and the said affidavit or affidavits and such apportionment shall thereafter be filed in the office of the town clerk of the said town of Flatbush, with a copy of the report in the proceedings in which such assessment or balance of assessment was imposed.
Perjury.	Any party falsely swearing in making any such affidavit shall be guilty of perjury and punishable for that crime."
Clerk to give notice of expiration of time for redemption.	§ 9. The clerk of the said board is hereby authorized to give a notice, at least one month previous to the expiration of two years from the day designated in the original advertisement of the sale for unpaid assessments in any proceeding for opening or improving a street or avenue (which notice shall be entitled in or refer to the proceeding), by a publication thereof in a newspaper printed and published in the said town of Flatbush, if any, to the effect that the time for the redemption of the premises sold from the sale or sales thereof for assessments, or balance of assessments, or portions thereof, in such proceeding will expire at the expiration of two years from the day of the sale thereof, and that the time of such sale or sales can be ascertained by application to him. Such notice shall be published, at least once a week for three weeks successively, including the first publication thereof, as above directed, but the omission to give such notice shall not in any manner affect or impair the right of any purchaser or purchasers on such sale or sales or postpone his or their right to a lease of the premises which shall be unredeemed at the expiration of the said two years from the time of the sale thereof. The expense of publishing such notice shall be paid by the treasurer out of the interest paid to him.
Omission not to affect right of purchaser.	
Repeal.	§ 10. So much of the tenth section of the said act as requires or directs the said board of improvement to "flag" the sidewalks of a street or avenue, of such portion thereof as it shall by resolution determine and decide to improve is hereby repealed.
Application for improvement of street on consent, &c.	§ 11. Whenever an application is made to the said board of improvement to cause any street or avenue that shall have been opened under the provisions of the said act, or part thereof so opened, to be improved on the consent of all the persons to be assessed therefor, as provided in and by the tenth section of the said act, it may authorize such improvement to be made in the same manner as if made by the board at the cost and expense of such applicants, but under the direction of the said board, and the supervision of a superintendent to be appointed by it,
How board may authorize such m-	

whose compensation, as fixed by it, shall be paid by said applicants, and they shall agree with him to make such payment. In such case it shall not be necessary to give the notice of application required to be published in and by the said section, and any road or avenue, or part thereof, so improved and approved by the board, and any road or avenue or part thereof, so opened as aforesaid, which shall heretofore have been or shall hereafter be improved by the owners or a portion of such owners of land fronting thereon, without the previous authority of the said board may be accepted by it; and all roads and avenues or parts thereof, improved, and approved and accepted as aforesaid, shall, after such approval and acceptance, be under the charge of the commissioners of highways in the said town, in the same manner as if the improvement thereof had been made by the said board, and the provisions of the fifteenth section of said act shall apply to such roads and avenues, and parts, and the duties, power and jurisdiction of the said commissioners.

provement to be made. Notice of application not necessary.

Improvement by owners may be accepted.

Fifteenth section to apply.

§ 12. The commissioners appointed to apportion and assess the expense of the improvement of any street or avenue or a part thereof, as provided in the tenth section of the said act, are hereby authorized and directed to sell any building or the portion thereof and all fences and other improvements within the limits and lines thereof at public auction, at a convenient place in the said town of Flatbush, to the highest bidder thereof, after giving a notice of the time and place of such sale by publishing the same at least once a week for two weeks successively in a newspaper printed and published in the said town of Flatbush, if any, and in case no newspaper is so printed and published, then by posting such notice in five public places in the said town. The time of such sale shall be at least ten days after the first publication of the said notice in such newspaper or after posting the same as aforesaid. The terms of sale shall require the said buildings or portions of buildings, fences and other improvements to be sold for cash, and for the removal thereof after such payment within a designated time after such sale, to be fixed by the said commissioners and to be announced at the time and place of sale. The avails of such sales shall be applied, after paying the cost and expense of the publication of such notice, on account of the cost and expense of the improvement.

Commissioners to sell building, fences, &c., within the limits of streets, &c.

Notice thereof, how given.

Time and terms of sale.

Avails.

§ 13. The tenth section of the said act is hereby amended so as to provide and declare that the commissioners appointed to apportion and assess the expense of the improvement of any street or avenue or a part thereof, as therein provided, shall in all cases apportion and assess the said expense (having credited thereon the avails of the sales of buildings, fences and other improvements, if any) ratably according to the number of feet fronting on such street or avenue, on the lands of the several owners, extending back to the limit or extent of the district of assessment, and in case any parcel of land lying between the street and avenue and the limit or outer boundary of such district or assessment shall be owned, the front thereof by one owner, and the residue by one or more owners, then they shall apportion and assess the sum so ratably chargeable on the entire parcel as aforesaid, upon the different portions thereof owned by the several owners in such parts or proportions as they may deem just and equitable.

Commissioners to apportion and assess expense ratably, &c.

§ 14. The clerk of the board shall, on and after the first day of June next, be entitled to five per cent. on all moneys collected on sales made by him on that day, and on all sums thereafter collected by him either on voluntary payments or on sales, and which shall be paid over by him to the treasurer of the board, and the said treasurer shall be entitled

Compensation of clerk.

Of treasurer.

to one per cent. on the sums so paid to him, and on all sums which shall hereafter be paid to him by any collector of assessments, or shall be paid to him after the return of the collector's warrant before the premises on which any assessment or balance of assessment over award, or any portion thereof remaining unpaid shall be ordered to be sold as herein provided; and the inhibition in the twenty-second section of the said act against the reception of compensation by the members of the said board, shall not apply to the treasurer. All money that has been or shall hereafter be paid for interest on assessments, or balance of assessments or portions thereof, or has been or shall hereafter be received on payments made for or on account of such assessments, or balance of assessments over awards or portions thereof before distribution shall be applied to the payment of the expenses incurred and to be incurred by the board, and the amount thereof shall be taken into consideration in determining the amount, if any, that shall be required to be raised as provided in and by the twenty-third section of the said act.

Application of money received for interest, &c.

Bond of clerk and treasurer.

§ 15. The said board may require its clerk and treasurer severally, or either of them, to execute a bond to the said town of Flatbush in such penalty as it shall fix and with sufficient security for the disposition of the moneys paid to them respectively, as required in the said act and the provisions herein contained, and for the faithful performance of their respective duties, and the renewal thereof or new or additional bond may be required from time to time. The form of the said bond or bonds, the manner of executing the same, and the sufficiency of the security shall be determined by the said board, or by any member or members thereof designated for such duty by the said board and the certificate of such approval shall be indorsed on the bonds. The bonds when so approved shall be filed in the office of the town clerk. In case of default or breach of the condition of either of the said bonds the board shall cause the same to be prosecuted in the name of said town, by such attorney as it shall designate, and the money collected shall be paid over to the said board or any member or members thereof to be designated for that purpose, to be applied as may be directed by the said board for the purpose to which it would have been applicable by the party in default.

To be filed.

To be prosecuted in name of town.

§ 16. This act shall take effect immediately.

Chap. 428.

AN ACT in relation to highways in the town of Flatbush, in Kings county.

Passed May 11, 1874; three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commissioners of highways to cause sidewalks to be flagged.
Petition.

SECTION 1. The commissioners of highways in the town of Flatbush, in Kings county, shall cause the sidewalks on both sides of any public highway heretofore opened and improved, or that shall hereafter be opened and improved according to law, in said town, or of any section of such highway, to be flagged with good quality flagging-stone, four feet wide, on the petition of a majority in interest of all the persons and corporations owning lands fronting thereon, estimated by the extent of their ownership on each side of such highway or section thereof, per lineal foot of such frontage, as hereinafter provided. They shall, on

the receipt of such petition, give notice to the owner or owners of any land in front of which no flagging is laid, to have the same flagged as aforesaid within thirty days after the service of such notice either personally or leaving the same at their place of residence or business, or by a general publication in a newspaper, if any, printed and published in the said town, once a week for four weeks successively, notifying all such owner or owners to have the same so flagged by a day to be designated therein, at least thirty days after the first publication of such notice. Such notice shall state that it is given in pursuance of this section, and that the provisions thereof will be executed and enforced if such notice is not complied with. In case any such owner or owners shall neglect to comply with the requirements of such notice, then the said commissioners shall cause the sidewalk in front of the land owned by them to be so flagged at the expense of such owner or owners, which shall be assessed on such land and collected with the other taxes leviable thereon in the year such expense is incurred, but the amount thereof shall be designated in the assessment roll in a separate and additional column to that now required; and the collector shall have the same power to collect the same by distress and sale of goods and chattels and otherwise of resident owners and occupants of such lands as is possessed by him in reference to such other taxes. The commissioners may cause the notices which may or shall be so served, otherwise than by such publication in a newspaper as aforesaid, to be printed and then to be signed by them before service thereof. The expense of such publication and of such printing shall be town charges, and be collected and levied with other town charges, and when collected be paid over to the commissioners, who shall pay the same to the parties entitled thereto.

Notice to owners to have flagging done.

What notice shall state.

If owners do not, commissioners to cause the same to be done.

Expense thereof to be assessed, &c.

Notices..

§ 2. The said commissioners of highways are hereby authorized to cause crosswalks of stone flagging, or partly of such flagging and partly of other stone, to be laid upon any such highway, where it crosses or intersects any other highway, within the district or territory in said town lying between the easterly side of the Coney Island plank-road and the westerly side of the poor-house road, so called, and the continuation thereof, at an expense of one thousand dollars in the first year after the passage of this act, and of five hundred dollars in every year thereafter; and the board of supervisors of Kings county shall cause such sums to be raised in such years with the other taxes to be raised in the said town, and the said sums shall be assessed on the real and personal estate liable to taxation in the part of such district or territory which is liable for and chargeable with the expense of lighting the streets therein with gas, under chapter four hundred and forty-three of the laws of eighteen hundred and sixty-four. If any money raised and collected for such crosswalks, under the preceding provisions, shall not be required therefor, it shall be expended in the repair and improvement of highways in the said district or territory.

Cross-walks.

Expense thereof.

Supervisors to raise same by tax.

Upon what property.

§ 3. The said commissioners of highways shall annually deliver to the board of supervisors of the said county a statement of the money required to be raised under the provisions and requirements of this act, in which they shall state the specific purpose or purposes for which it is to be raised, and shall also designate what lands are to be assessed for and charged with the expense of flagging sidewalks, as provided in this act.

Commissioners of highways to deliver statement to supervisors.

§ 4. All and singular the powers conferred and the duties enjoined and imposed on an overseer of highways in and by chapter seven hundred and seventy-six of the laws of eighteen hundred and seventy-

Powers and duties of commissioners.

two, or by any act or acts of which it is amendatory or to which it is supplementary, and all and singular the powers conferred and duties enjoined and imposed on an overseer of highways, in the said town, in and by chapter fifty-six of the laws of eighteen hundred and thirty, or so much thereof as is now in force, and by any act amendatory thereof or supplementary thereto, or so much thereof as is now in force, or by any other law applicable to such overseer of highways, are hereby conferred, enjoined and imposed on such commissioners of highways and each and every of them.

Office
abolished

§ 5. The office of overseer of highways in the said town is hereby abolished.

§ 6. This act shall take effect immediately.

Chap. 429.

AN ACT to amend an act entitled "An act to determine a plan of grades for certain streets and avenues in the town of New Utrecht," passed June twenty-eight, eighteen hundred and seventy-three.

Passed May 11, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commis-
sioners to
be ap-
pointed.

SECTION 1. The commissioners to determine and regulate a plan of grades in pursuance of the provisions of an act passed June twenty-eighth, eighteen hundred and seventy-three, entitled "An act to determine a plan of grades for certain streets and avenues in the town of New Utrecht," shall be three residents and freeholders of the town of New Utrecht, who shall be appointed within ten days after the passage of this act by the present supervisor of the town of New Utrecht; such appointment shall be made in writing and filed in the office of the clerk of said town. Said commissioners or a majority thereof shall exclusively possess all the powers and be subject to all the duties which by said act of June twenty-eighth, eighteen hundred and seventy-three, were devolved upon the said town survey commissioners of said county.

Powers
and du-
ties.

Expenses
of making
plans of
grade to
be report-
ed, &c.
Compensa-
tion.

§ 2. The expenses to be incurred by said commissioners or estimated by them to be necessary in making and concluding said plans of grade, shall be reported by them to the board of supervisors of Kings county, including compensation of their services, at the rate of five dollars each for each day of actual service, but not exceeding one hundred and fifty dollars to each commissioner, and shall be charged to the local district described in said act of June twenty-eighth, eighteen hundred and seventy-three, and added to and made a part inseparably of the annual taxes next thereafter imposed or levied upon all of the taxable real estate therein and shall be collected therewith, and the amount so levied shall be paid by the collector of taxes to the said commissioners who shall expend the same for the purposes of this act.

Commis-
sioners,
when to
conclude
labors.

§ 3. The said commissioners shall conclude their labors on or before the thirty-first day of March, eighteen hundred and seventy-five, and thereupon the powers and duties devolved upon them under this act and upon all persons employed by them, shall cease and terminate.

§ 4. This act shall take effect immediately.

Chap. 430.

AN ACT to facilitate the reorganization of railroads sold under mortgage, and providing for the formation of new companies in such cases.

Passed May 11, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. In case the railroad and property connected therewith, and the rights, privileges and franchises of any corporation created under the general railroad law of this State, or existing under any special act of the Legislature thereof, shall be sold under or pursuant to the judgment or decree of any court of competent jurisdiction made to execute the provisions or enforce the lien of any deed or deeds of trust, or mortgage theretofore executed by such company, the purchasers of such railroad property and franchises, their grantees or assigns, or a majority of them, may become a body politic and corporate with all the franchises, rights, powers, privileges and immunities which were possessed before such sale by the corporation whose property shall have been sold as aforesaid, by filing in the office of the Secretary of State a certificate, duly executed under their hands and seals, and acknowledged before an officer authorized to take the acknowledgment of deeds, in which certificate the said persons shall describe by name and reference to the act or acts of the Legislature of this State under which it was organized, the corporation whose property and franchises they shall have acquired as aforesaid, and also the court by authority of which such sale shall have been made, giving the date of the judgment or decree thereof, authorizing or directing the same, together with a brief description of the property sold, and shall also set forth the following particulars:

1. The name of the new corporation intended to be formed by the filing of such certificate.
2. The maximum amount of its capital stock, and the number of shares into which the same is to be divided.
3. The number of directors by whom the affairs of the said new corporation are to be managed, and the names and residences of the persons selected to act as directors for the first year after its organization.

And upon the due execution of such certificate and the filing of the same in the office of the Secretary of State, the persons executing such certificate and who shall have acquired the title to the property and franchises sold as aforesaid, their associates, successors and assigns, shall become and be a body politic and corporate by the name specified in such certificate, and shall become and be vested with, and entitled to exercise and enjoy, all the rights, privileges and franchises which, at the time of such sale, belonged to or were vested in the corporation formerly owning the property so sold, and shall be subject to all the duties and liabilities imposed by the provisions of the act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, and of the acts amendatory thereof, except so far as may be inconsistent herewith; and a copy of the said certificate, by the Secretary of State or his deputy, shall be presumptive evidence of the due formation of the new corporation therein mentioned; provided, always, that a majority of said persons shall be citizens and residents of this State.

Purchasers, &c., to become a body politic and corporate by making and filing certificate.

Contents of certificate.

Name of new corporation. Capital stock.

Number of directors.

Execution and filing of certificate, effect thereof.

Copy of certificate evidence. Provide.

When new corporation may issue bonds and stock.

§ 2. In case the persons organizing the new corporation to be formed, as provided in the first section of this act, shall have acquired title to the railroad property and franchises which may have been sold as in said section mentioned, pursuant to any plan or agreement for the readjustment of the respective interests therein of the mortgage creditors and stockholders of the company owning such property and franchises at the time of any such sale, and for the representation of such interests of creditors and stockholders in the bonds or stock of the new corporation to be formed, as mentioned in said section, the said new corporation shall be authorized and have the power to issue its bonds and stock in conformity with the provisions of such plan or agreement; and the said new corporation may, at any time within six months after its organization, compromise, settle or assume the payment of any debt, claim or liability of the former company, upon such terms as may be approved by a majority of the agents or trustees intrusted with the carrying out of the plan or agreement of reorganization aforesaid; and for the purposes of such plans and of such settlements, the said new corporation may and shall be authorized to establish preferences in respect to the payment of dividends in favor of any portion of its said capital stock, and to divide such stock into classes; provided, nevertheless, that nothing herein contained shall be held to authorize the issue of capital stock by the said new company to an aggregate amount exceeding the maximum amount of such stock mentioned in the certificate of incorporation.

When it may compromise, &c., debt of former company.

Preference in dividends.

Proviso.

Stockholder of company has the right to assent to plans of readjustment.

§ 3. Every stockholder in any company, the franchises and property whereof shall have been sold as aforesaid, shall have the right to assent to the plan of readjustment and reorganization of interest pursuant to which such franchises and property shall have been purchased as aforesaid, at any time within six months after the organization of said new company, and by complying with the terms and conditions of such plan become entitled to his pro rata benefits therein according to its terms.

Railroad commissioners of any city, &c., may assent to plan of reorganization.

Issue of stock in exchange for stock of former company.

May assign, &c., stock held by them.

§ 4. Full power is hereby given to the railroad commissioners, corporate authorities or proper officials of any city, town or village, who may hold stock in any corporation, the property and franchises whereof shall be liable to be sold, as mentioned in the first section of this act, to assent to any plan or agreement of reorganization which provides for the formation of a new company, in conformity with this act, and the issue of stock therein to the proper authorities or officials of said cities, towns or villages, in exchange for the stock of the old or former company by them respectively held at par, subject to the foregoing provisions of this act. And such railroad commissioners, corporate authorities or other proper officials, may assign, transfer or surrender the stock so held by them in the manner required by any such plan and accept in lieu thereof the stock issued by said new corporation in conformity therewith.

§ 5. This act shall take effect immediately.

Chap. 431.

AN ACT to incorporate the Buenaventura and Cauca Valley Railroad Company.

Passed May 11, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Charles Fox, R. E. Graves, Charles S. Brown, David R. Smith, George E. Church, Abram Wakeman, Charles H. Kingman, George W. Gere, A. T. Moore and their associates, successors and assigns, are hereby constituted a body corporate by the name of the Buenaventura and Cauca Valley Railroad Company, for the purpose of constructing and maintaining a railroad with one or more tracks and all convenient docks, buildings, machinery, fixtures and appurtenances from Buenaventura to the Cauca river, in the United States of Columbia, South America, under the contract made with that republic July sixth, eighteen hundred and seventy-two, modified and approved at Bogota, February twenty-fourth, eighteen hundred and seventy-three, and of purchasing and navigating such steam or sailing vessels as may be proper and convenient to be used in connection with the said road, and for such purposes all the necessary and incidental power is hereby granted to said corporation.

Corporators.

Corporate name and objects.

Powers.

§ 2. The capital stock of said corporation shall be fixed by the directors at a sum not less than one million of dollars, with liberty to increase the same at any time to a sum not exceeding five millions of dollars. Said stock shall be divided into shares of one hundred dollars each, and shall be deemed personal property, transferable in such manner as the by-laws of said corporation shall direct. The said corporation may commence operations when one hundred thousand dollars shall have been subscribed and paid in. The directors may appoint three of their number as commissioners to receive subscriptions for said capital stock at such times and under such rules and regulations as they shall prescribe.

Capital stock.

Increase.

Shares to be deemed personal estate.

When corporation may commence operations.

§ 3. The concerns of the said corporation shall be managed by nine directors, who shall be stockholders, and who (except the first directors hereby appointed) shall hold their offices for one year and until others are chosen in their places. The persons named in the first section of this act shall be the first directors. The directors, except the first year, shall be annually chosen at such time and place in the city of New York, and on such notice as shall be directed by the by-laws of said corporation. At all meetings of the shareholders, each share shall entitle the holder to one vote, to be given in person or by proxy. In case it should at any time happen, that an election of directors shall not be made on the day appointed by the by-laws of the said corporation, the said corporation shall not for that cause, be deemed to be dissolved, but such election shall be held on any other day, which shall be appointed by the directors of the said corporation.

Number of directors, their qualifications and term of office.

Directors to be chosen annually.

Failure to elect directors not to dissolve corporation.

§ 4. The directors shall appoint one of their number to be president, and may appoint such other officers and agents as they shall deem necessary, and they may make and establish such by-laws, rules and regulations as they think proper and expedient touching the disposition and management of the property, estate and effects of the said corporation, the transfer of shares, the duty and conduct of their officers and

Directors to appoint a president, &c.

By-laws, &c.

Vacancy among directors, how filled. servants, the election and meeting of the directors, and all matters whatsoever, which appertain to the concerns of the said corporation. When any vacancy shall happen among the directors, it may be filled by the remaining directors; and they may remove all officers appointed by them, and appoint others in their places, and fill all vacancies in the offices.

Payment of stock subscriptions. § 5. The directors may require payments of subscriptions to the stock at such times and in such proportions, as they may deem proper, under the penalty of forfeiting all stock and the previous payments made thereon, and may sue for and recover all such subscriptions.

Powers of the corporation. § 7.* It shall be lawful for the said corporation to contract for the purchase of all the rights, privileges and immunities granted by the said United States of Columbia, as stated in section first of this act, and for the purchase of the lands granted by said Republic, and to receive a conveyance and hold the same in like manner, and to lease or sell the same and convey any of such lands which the said corporation shall not deem necessary to retain, and to build and construct all such buildings, piers, docks, basins and harbors on the said lands as the said corporation may deem expedient.

Power to borrow money and secure the payment thereof. § 8. The said corporation may borrow, from time to time, such sum or sums of money as may be necessary to complete said road, and for the other purposes authorized by this act, and may issue and dispose of their bonds for any amount so borrowed, and are hereby authorized to mortgage any part of their corporate property and privileges to secure the payment of such bonds, and the said directors may confer on the holders of any bonds they may issue for any money so borrowed, the right to convert the principal due thereon into stock of the said corporation at any time not exceeding five years from the date of said bonds, under such regulations as the directors may see fit to adopt, and for such purpose the said corporation are authorized to increase the capital stock to the amount so borrowed whenever the persons, or any of them, to whom such moneys are due, shall elect to convert the same into stock.

Increase of capital stock for that purpose. § 9. Each and every stockholder shall be individually liable to the creditors of said corporation for all the debts that may be due and owing by said corporation to their laborers and servants for services performed, and for all other debts and liabilities of the said corporation, to the amount of the stock held by him, until he shall have paid in full the amount of such stock so held. But no stockholder shall be personally liable for the payment of any debt contracted by the said corporation which is not to be paid within one year from the time the debt is contracted, nor unless a suit is brought for the collection of such debt against said corporation within one year after the debt shall become due, and no suit shall be brought against any stockholder in said corporation for any debt so contracted, unless it shall be commenced within one year after he shall have ceased to be a stockholder in said corporation, nor until an execution against the corporation shall have been returned unsatisfied in whole or in part. No person holding stock in said corporation as executor, administrator, guardian or trustee, and no person holding such stock as collateral security, shall be personally liable as a stockholder of said company, but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder.

Suit, when to be commenced.

Trustee or person holding stock as collateral security not liable as stock holder.

§ 10. This act shall take effect immediately.

Chap. 432.

AN ACT ceding jurisdiction over certain upland and submarine sites in the State of New York for light-house purposes of the United States.

Passed May 11, 1874 ; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Jurisdiction is hereby ceded to the United States over so much land as from time to time has been deeded to and occupied by them for the construction and maintenance of light-houses and keepers' dwellings within this State, sketches and descriptions of which, by metes and bounds have been filed in the office of the Secretary of State on the twentieth of April, eighteen hundred and seventy-four, viz :

No. 1. Split Rock, Lake Champlain, Essex county, New York, containing five acres, two quarters and six perches, conveyed to the United States by deed dated the fifteenth day of July, in the year one thousand eight hundred and thirty-seven. Jurisdiction ceded to the United States.

No. 2. Stuyvesant, county of Columbia, New York, containing five acres, conveyed to the United States by deed, dated August thirteenth, in the year one thousand eight hundred and twenty-eight. Description of land ceded.

No. 3. Coxsackie, county of Greene, New York, containing five acres, conveyed to the United States by deed dated the third day of August, in the year one thousand eight hundred and twenty-eight.

No. 4. Four-mile point, town of Coxsackie, county of Greene, New York, containing two acres, two rods and twenty-five rods, conveyed to the United States by deed dated the twelfth day of February, in the year one thousand eight* and thirty-one.

No. 5. Cedar-Island light, Gardiner's bay, town of Easthampton, county of Suffolk, New York, conveyed to the United States by deed dated the twentieth of August, in the year one thousand eight hundred and thirty-eight.

Also, for the lands lying under water, and known as sub-marine sites, sketches and maps of which by metes and bounds have been furnished by the United States were filed in the office of Secretary of State on the twentieth day of April, in the year one thousand eight hundred and seventy-four, viz :

No. 6. Harts Island, situated in Long Island sound, Westchester county, New York, at the south end of Hart Island, under water and beyond low water mark containing three acres and seventy-five hundredths of an acre.

No. 7. Execution Rocks, Long Island sound, one hundred feet in diameter, containing less than an acre, situated seven-eighths of one mile north of Sands Point light, and five miles to the northeast of Fort Schuyler.

No. 8. Robin's Reef, New York harbor, containing an area of less than one acre.

No. 9. Long-beach bar, entrance to Greenport harbor, Long Island, Suffolk county, New York, containing an area of less than one acre.

Stratford shoal, Long Island sound, New York, containing an area of less than one acre.

* So in original.

No. 11. Race Rock, off Fisher's Island point, at the western entrance to Fisher's Island sound, Suffolk county, New York, containing an area of less than one acre.

No. 12. Hudson city, middle ground, Hudson river, opposite the city of Hudson, county of Columbia, New York, containing an area of less than one acre.

No. 13. Saugerties, on the mud flat on the north side of entrance to the Saugerties creek, county of Ulster, New York, containing an area of less than one acre.

No. 14. Roah Hook, on the west side of Hudson river, behind the angle of the dyke, south of Roah Hook, New York, containing an area of less than one acre.

Parada Hook, on point of rocks, lower end of dyke, on west side of the Hudson river, New York, containing an area of less than one acre.

No. 16. Nine-mile tree, Castleton behind the center of dyke, on the east side of the Hudson river, New York, containing an area of less than one acre.

No. 17. Cross-over dyke, on north end of stone dyke, below Albany, on the west side of the Hudson river, New York, containing an area of less than one acre.

No. 18. Cuyler's dyke, on the east side of the Hudson river, on the lower or south end of dyke, near Albany, New York, containing an area of less than one acre.

No. 19. Van Wie's point, on the south end of the stone dyke, below Albany, New York, on west side of the Hudson river, containing an area of less than one acre.

No. 20. Potter's, or Sea-flower reef, Fisher's Island sound, Suffolk county, New York, about one and a half miles north of Fisher's Island, containing an area of less than one acre.

No. 21. Sand spit, entrance to Sag Harbor, Suffolk county, Long Island sound, New York, containing an area of less than one acre.

No. 22. Branford reef, abreast of Branford harbor, Long Island sound, New York, containing an area of less than one acre.

No. 23. Romer shoal, off Sandy hook, entrance to New York harbor, containing an area of less than one acre.

No. 24. Oyster-pond point, plum gut entrance to Gardiner's bay, Long Island sound, Suffolk county, New York, containing an area of less than one acre.

No. 25. The Stepping Stones, about one mile south of Hart Island, Long Island sound, New York, containing an area of less than one acre.

No. 26. Mill reef, opposite New Brighton, in the kill von kull, Richmond county, New York, containing an area of less than one acre.

§ 2. The said jurisdiction is ceded upon the express condition that the State of New York shall retain a concurrent jurisdiction with the United States, in and over the property aforesaid, so far as that all civil and criminal process which may issue under the laws or authority of the State of New York may be executed thereon in the same way and manner as if such jurisdiction had not been ceded, except so far as such process may affect the real or personal property of the United States.

§ 3. The said property shall be and continue forever thereafter exonerated and discharged from all taxes, assessments, and other charges which may be levied or imposed under the authority of this State; but the jurisdiction hereby ceded, and the exemption from taxation hereby granted shall continue in respect to said property so long as the same

How far
the State
of New
York re-
tains con-
current
jurisdic-
tion.

Exemp-
tion from
taxation.

shall remain the property of the United States, and be used for public purposes and no longer.

§ 4. This act shall take effect immediately.

Chap. 433.

AN ACT relative to the Metropolitan Drawing-room Car Company.

Passed May 11, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Metropolitan Drawing-room Car Company, a corporation duly organized under and pursuant to the provisions of the act of the Legislature of the State of New York, entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," passed February seventeenth, eighteen hundred and forty-eight, and the several acts amendatory thereof and additional thereto, is hereby authorized and empowered to enter into contract with any railroad company or corporation whose road is or shall hereafter be operated in the city of New York, by animal or dummy engine power, to run its cars, or to lease the right to run the same upon and over the road of such corporation, for the transportation of passengers upon such terms as may be mutually agreed upon.

Company authorized to contract with certain railroad companies in N. Y. city.

§ 2. It shall be lawful for the said company, its successors, lessees or assigns, to charge, collect and receive for the use of said car, in all cases, for each passenger, a sum not exceeding ten cents for each and every time any passenger shall ride therein.

Charge for use of car.

§ 3. Any railroad company permitting the use of said drawing-room cars shall, nevertheless, keep and run sufficient first-class cars, of the style now in use in New York city, for the fare and, as now required by law, for the convenient use and occupation of all passengers not wishing to use a drawing-room car; and on every such drawing-room car there shall appear, in conspicuous letters, "Drawing-room car," and the amount of fare for transportation therein, and, in default of which, no charge shall be made for the use of such drawing-room car; nor shall either company be allowed to collect fare from any passenger who is not provided with a seat, and it shall be a misdemeanor for any conductor or driver or other person to receive any fare from any passenger upon such cars of either company who shall not be furnished with a seat.

Railroad companies to run cars of present style and at present rate of fare.

Company not to collect fare, unless passenger is furnished with seat.

§ 4. Nothing in this act contained shall be so construed as to exonerate any railroad company from the payment of damages for injuries, in the same way and to the same extent as they would be required to do by law had the same occurred by any other car operated by such company.

Damages for injury.

§ 5. This act shall take effect immediately.

Chap. 434.

AN ACT to incorporate the Yonkers Ferry Company.

Passed May 11, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

- Corporators.** SECTION 1. James Stewart, John Wheeler, Joseph L. Proseus, Michael Dearman, Henry B. Archer and Matt. H. Ellis, and their associates, or assigns, are hereby created a body politic and corporate, for the period of twenty years, by the name of the Yonkers Ferry Company, and by that name may sue and be sued, and take, purchase and hold such real and personal property as may be necessary for its business.
- Corporate name and term of existence.**
- Business.** § 2. The business of the corporation shall be the establishment and maintenance of a ferry across the Hudson river, from such places or points in the city of Yonkers to such places or points on the opposite shore, in the State of New Jersey, as said corporation may select. The said corporation shall provide and maintain a suitable and necessary boat, or boats, for carrying and transporting to and from said points passengers, vehicles, cattle, merchandise, and all other articles of property, at such prices or rates as the county court of the county of Westchester may, from time to time, establish.
- Corporation to provide suitable boats.**
- Rates of ferriage.**
- Capital stock.** § 3. The capital stock of said corporation shall be fifteen thousand dollars, divided into shares of the par value of fifty dollars each ; and whenever ten per cent. of the capital stock shall have been subscribed and paid in, said company may proceed to organize and do business. Said stock shall be considered personal property, and shall be transferable on the books of said company. The directors of said corporation may at any time, with the consent, in writing, of the stockholders holding a majority of such stock, increase such capital stock, provided that such increase shall not exceed the sum of one hundred thousand dollars.
- When company may organize.**
- Directors may increase stock.**
- Directors.** § 4. The affairs of said corporation shall be managed by five directors, to be elected annually by and from the stockholders. The first election shall take place within two years from the organization of said company, and until such election the affairs of the company shall be managed by the corporators first named in the first section of this act.
- First election.**
- Vote.** Each share of stock shall entitle the holder thereof to one vote, either by person or proxy.
- Directors to appoint president, &c.** § 5. The directors may appoint a president, secretary, treasurer and such other officers as may be deemed necessary, who shall hold their offices for such term as the directors may determine, and may make and order such by-laws and regulations, not inconsistent with the laws of this State or of the United States, as they may deem necessary and proper. In case of death, incapacity, or resignation of any of said directors, the board may fill such vacancy by appointment until the next annual election.
- By-laws.**
- Vacancy.**
- Failure to elect directors not to dissolve corporation. Powers, &c.** § 6. In case an election of directors shall not take place on the day appointed, the corporation, for that cause, shall not be dissolved, but an election may be held on another day, as may be prescribed by the by-laws of said company.
- § 7. The corporation hereby created shall possess the powers and be subject to the provisions of title three, chapter eighteen, of the first part of the Revised Statutes, so far as the same are applicable, and not otherwise provided in this act.

§ 8. It shall be obligatory upon said company to organize and have the said ferry in operation for the accommodation of passengers and teams on or before the expiration of two years from the passage of this act; and the said ferry shall thereafter be kept continuously in operation, except when ice, fog or stress of weather shall make navigation dangerous, and should said company fail to commence running their boat as aforesaid, or should they fail to continue running when navigation shall be safe, then, in either case, the charter hereby granted to said company shall be forfeited, and remain null and void; provided, however, that any laying up of a boat for necessary repairs during a reasonable time shall not cause a forfeiture of the charter hereby granted.

Ferry, when to be in operation, &c.

Forfeiture of charter.

§ 9. If any company, person or persons, after the Yonkers Ferry Company shall have established a ferry pursuant to this act, shall transport, without the consent, in writing, of the president or secretary of said company, any passenger or property, for hire or pay, across the Hudson river from any point within two miles of the landing places of said ferry company, every person offending shall forfeit and pay to the company hereby incorporated the sum of ten dollars for every such offense, to be sued for and recovered in any court of competent jurisdiction; but this provision shall not exclude any person from the right of carrying or transporting himself, or any member of his family, or his own property, in his own boat, across the said river within the limits aforesaid.

Ferrying for hire by others prohibited.

Penalty therefor.

§ 10. This act shall take effect immediately.

Chap. 435.

AN ACT to amend an act entitled "An act to amend an act entitled 'An act to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the county of Westchester,' passed April sixteenth, eighteen hundred and sixty, and the acts amendatory thereof, passed March twenty-sixth, eighteen hundred and sixty-one, and May fifth, eighteen hundred and sixty-three, and April seventeenth, eighteen hundred and sixty-eight, so that all of said acts shall apply to the county of Richmond as well as for the county of Westchester," passed April twenty-first, eighteen hundred and seventy.

Passed May 11, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The act entitled "An act to amend an act entitled 'An act to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the county of Westchester,' passed April sixteenth, eighteen hundred and sixty, and the acts amendatory thereof, passed March twenty-sixth, eighteen hundred and sixty-one, and May fifth, eighteen hundred and sixty-three, and April seventeenth, eighteen hundred and sixty-eight, so that all of said acts shall apply to the county of Richmond as well as the county of Westchester," passed

Amendment.

April twenty-first, eighteen hundred and seventy, is hereby amended so as to read as follows :

Provisions
of acts ap-
plied to
Richmond
county.

§ 1. The act to amend an act entitled "An act to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the county of Westchester," passed April sixteenth, eighteen hundred and sixty, and the acts amendatory thereof, passed March twenty-sixth, eighteen hundred and sixty-one, and May fifth, eighteen hundred and sixty-three, and April seventeenth, eighteen hundred and sixty-eight, are hereby amended so that the provisions of said acts shall apply to the county of Richmond as well as to the county of Westchester.

Unpaid
taxes,
powers
and duties
of treas-
urer and
supervis-
ors of
Richmond
county in
relation
to.

Sales,
when to
be held.
Notices.

§ 2. All the powers and duties granted to, or conferred or imposed upon the county treasurer or the supervisors of the county of Westchester in relation to unpaid taxes in said county of Westchester, and the collection of the same by sale or otherwise, are hereby granted and conferred and imposed upon the county treasurer and the supervisors of Richmond county, in relation to unpaid taxes in said county of Richmond, and the collection of the same by sale or otherwise; provided, however, that the sales for unpaid taxes in said county of Richmond shall be held and conducted at the court-house at Richmond, in said county, and all notices required by the acts aforesaid to be published in Westchester county, shall be given and published in Richmond county, in respect to sales for unpaid taxes in said Richmond county.

§ 3. The powers and duties granted, conferred and imposed by this act, shall relate and apply, and be applicable to all unpaid taxes in the county of Richmond.

§ 4. This act shall take effect immediately.

Chap. 436.

AN ACT to regulate the practice of medicine and surgery in the State of New York.

Passed May 11, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Practi-
tioners of
medicine
or surgery
to obtain
certifi-
cate.

What cer-
tificate
shall set
forth.

To be re-
corded.

Censors to
notify
practi-
tioners,
&c.

Conse-
quences of
non-com-
pliance.

SECTION 1. Every practitioner of medicine or surgery in this State, excepting licentiates or graduates of some medical society or chartered school, shall be required, and they are hereby commanded, to obtain a certificate from the censors of some one of the several medical societies of this State, either from the county, district, or State society; which certificate shall set forth that said censors have found the person to whom it was issued qualified to practice all of the branches of the medical art mentioned in it. And such certificate must be recorded in a book provided and kept for the purpose by the county clerk of each county in the State.

§ 2. The censors of each medical society aforesaid shall notify all practitioners of medicine and surgery of the terms and requirements of this act, and shall request such persons, so notified, to comply with those requirements within thirty days after such notification; and if such persons shall not, within the time specified in the notice, or within such further time as may be allowed by special arrangement with said censors, not exceeding ninety days, comply with the requirements herein made of physicians or surgeons, as the case may be, such persons shall there-

after be subject to all the provisions and penalties prescribed by this act for any violation of the same, and the president of the society making such request shall and he is hereby required to at once commence the proceedings authorized by this act against such person.

§ 3. It is hereby declared a misdemeanor for any person to practice medicine or surgery in this State, unless authorized so to do by a license or diploma from some chartered school, State board of medical examiners, or medical society, or who shall practice under cover of a medical diploma illegally obtained; and any person found guilty of such a misdemeanor shall for the first offense be fined not less than fifty nor more than two hundred dollars. For any subsequent offense not less than one hundred nor more than five hundred dollars, or by imprisonment not less than thirty days, or by both imprisonment and fine; and all such fines shall go into the county treasury of the county bringing such action.

A misdemeanor to practice without license or diploma.

Penalties.

Chap. 437.

AN ACT in relation to publication of notices and publications.

Passed May 11, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All notices and citations issued by surrogates, except in the counties of New York and Kings, and now required by law to be published in the State paper, shall hereafter be published in a newspaper printed in the county in which the surrogate issuing such notices or citations shall reside, instead of the State paper, in case there is a newspaper printed therein, and if not, then in the State paper; and such publication shall be for the same time and with the same effect as if published in the State paper; provided, that in all cases where any of the parties interested reside out of the county, such notice or citation, if the property of the deceased exceed two thousand dollars in value, shall also be published in the State paper; but that, if the property of the deceased shall not exceed two thousand dollars in value, the publication in the State paper shall be at the discretion of the surrogate, and free of expense and without charge for such publication.

Publication of citations issued by surrogates.

When to be published in the State paper.

§ 2. All acts and parts of act inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 438.

AN ACT to authorize the Utica, Chenango and Cortland Railroad Company to extend their road, and for other purposes.

Passed May 11, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Utica, Chenango and Cortland Railroad Company are hereby authorized to extend and construct their railroad from a point

Extension of railroad

author-
ized.

Proviso.

Central
Valley
railroad,
purchase
of, author-
ized.

Proviso.

near the mouth of Gre Brook, in the town of Cincinnatus, in the county of Cortland, to Ninevah and Deposit, in the county of Broome, connecting with the Albany and Susquehanna Railroad and with the Erie Railway ; provided, that the subscriptions already made to the stock of the said Utica, Chenango and Cortland Railroad, and all town or municipal bonds issued for said road shall be applied to the construction of the original portions of said road and not the extension hereby authorized ; and, provided further, for the purpose of this extension, said Utica, Chenango and Cortland Railroad is hereby authorized to purchase the Central Valley Railroad in the towns of Smithville and Greene, in the county of Chenango, and upon such purchase all the franchises, rights and privileges of said Central Valley Railroad shall be and become vested in said Utica, Chenango and Cortland Railroad ; and, provided further, that all extensions, under this act authorized, shall be subject to the provisions of chapter one hundred and forty of the laws of eighteen hundred and fifty, and acts amendatory thereof.

§ 2. This act shall take effect immediately.

Chap. 439.

AN ACT to authorize the sentencing of certain convicts and criminals convicted in Greene county to hard labor and their employment at such labor.

Passed May 11, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Sentence
for crime
of less
grade,
than
felony.

Duty of
sheriff.

Village to
pay for la-
bor.

SECTION 1. Any person or persons who shall be convicted of drunkenness or for a misdemeanor, or as a disorderly person, or for any crime less than a felony, and who shall or may be sentenced to the jail of Greene county for confinement or punishment, may also, as a part of such sentence and punishment, be sentenced by the court or officer before whom such conviction shall be had, to hard labor during their term of imprisonment. And the sheriff or jailor of said county shall, so far as may be, keep the persons so sentenced to hard labor, at work within the corporate boundaries of the village of Catskill, upon the streets or roads of said village, or in preparing stone or other materials for said streets or roads ; said persons while so employed or laboring shall be properly secured to prevent their escaping ; and, provided, however, that for such labor the said village shall pay such reasonable compensation as shall be agreed upon between said village and said sheriff, and the moneys received by said sheriff for such labor shall be paid over to the treasurer of the county of Greene for the use of such county.

§ 2. This act shall take effect immediately.

Chap. 440.

AN ACT to declare the publication and dissemination of false news a crime, and to provide for its punishment.

Passed May 11, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Every person who shall knowingly circulate false intelligence with the intent of depreciating or advancing the market price of the public funds of the United States, or of any State or territory thereof, or of any foreign country or government, or the stocks, bonds or evidence of debt of any corporation, or association, or the market price of any merchandise or commodity whatever, shall be deemed guilty of a misdemeanor, and shall be punished, upon conviction thereof, by a fine of not exceeding five thousand dollars, and imprisonment for a period not exceeding three years, or either.

A misdemeanor to circulate false intelligence with intent of affecting price of funds, &c.

Punishment.

§ 2. Every person who shall forge the name of any person or of the officer of any corporation to any letter, message or paper whatever, with intent to advance or depreciate the market price of the public funds of the United States, or of any State or territory thereof, or of any foreign country or government, or the market price of bonds or stock or other evidence of debt issued by any corporation or association, or the market price of gold or silver coin or bullion, or of any merchandise or commodity whatever, shall, upon conviction, be adjudged guilty of forgery in the third degree, and shall be punished by imprisonment in a State prison for a term not exceeding five years.

Forgery of name to letter, message, &c., with intent to affect price of public funds, &c.

Punishment.

Chap. 441.

AN ACT to incorporate the Rome Street Railroad Company in the city of Rome.

Passed May 11, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Edward H. Shelley, Calvert Comstock, Zacheus Hill, Edward Huntington, Stephen Van Dressar, Samuel B. Stevens, George H. Lynch, Bloomfield J. Beach, Willie J. P. Kingsley and Gordon N. Bissell, and those who may be now or hereafter associated with them and their assigns, are hereby constituted a body corporate by the name of "The Rome Street Railroad Company," and are hereby authorized and empowered to lay, construct, operate, maintain and use a railroad with a double or single track at their option, or as the public convenience may require; and convey passengers or freight for a compensation, through, upon and along the following streets and public roads and between the points mentioned herein in the city of Rome, viz: Commencing at the corner of James and John streets, and running thence northerly along James street to Dominick street; thence westerly along Dominick street to George street; thence northerly along George street, as now open, and the continuation thereof to the city reservoir, with the right to extend their tracks both easterly and westerly in

Corporators.

Corporate name.

May build railroad.

Route and termini.

Right to
extend.

Consent of
common
council.
Bridge
over can-
nal.

Plan of
construction,
kind of
rail, &c.

Fare.

Mayor
and com-
mon coun-
cil to grant
perma-
nence.

Right of
use or title
to real es-
tate, how
acquired.

Petition,
exception
in respect
to.

Use of
streets a
public
use.

Other rail-
road on
same
route pro-
hibited,
&c.

Dominick street, to wit: easterly to the Catholic cemetery and westerly to Brown's tavern, so called, and also northerly from Dominick street to Riverside park by way of James street, Stanwix street and Floyd avenue, and to run in and upon Washington street or such other street as they may find from time to time best to make convenient access to the depot of the New York Central and Hudson River Railroad Company; and also to run a track over such street intersecting George street, and the streets and highways connecting therewith, as they may find most advantageous for giving access to the Rome cemetery, and to extend their tracks upon such other streets as occasion may require, the consent of the common council thereto having first been obtained; and the said railroad company shall have the right to construct, operate and maintain their railroad upon and over any bridge that now is or may hereafter be constructed over the Erie or the Black river canal, or over the Mohawk river or any other bridge or bridges necessary to be crossed upon any of the routes or between any of the limits above specified, together with all the necessary connections, turn-outs, turn-tables and switches for the proper and necessary working and accommodation of the tracks of said route or routes. Said railroad shall be constructed on the usual plan for the construction of city railroads, and the rail shall be of the kind in common use on street railroads, and the same shall be laid flush with the surface of the street, and the cars shall run thereon as often as the convenience of the public shall require; and the said company and their assigns shall be authorized to charge, collect and receive from each passenger for riding any distance upon said road, not to exceed five cents for each mile or fractional part thereof; and the mayor and common council of said city are hereby authorized and directed to grant permission to the company herein named or their assigns, to construct, maintain, operate and use said railroad in, upon, through and along the several streets or between the points herein mentioned. Should any real estate or interest therein be required for the purposes of constructing said railroad on said route or routes as above specified and authorized, for which the above named persons or their assigns shall be unable to agree with the owner or owners thereof, for the use and purchase of the same, they may acquire the right to use or title to the same, in the manner specified in the fourteenth, fifteenth, sixteenth, nineteenth, twentieth and twenty-first sections of the act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, and the acts amendatory thereof or in addition thereto, except that in any of the proceedings for any of the purposes authorized by this section, it shall not be necessary that the petition to the supreme court shall make any allegations of or reference to any incorporation, capital stock, surveys or maps, or of the filing of any certificate of location; but in all cases the use of said streets and other necessary lands for the purposes of said railroad as herein authorized, shall be considered a public use, consistent with the uses for which the proper officers of said city hold said streets and highways. No person or persons, or corporation organized under the act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April twenty-six, eighteen hundred and fifty, or acts amendatory thereof, or in addition thereto, shall be permitted to construct any street railroad in or upon any of the streets or public highways aforesaid, and they are prohibited from doing any act to hinder, delay or obstruct the construction or operation of the said railroad as herein authorized.

- § 2. The cars to be used on said railroad shall be drawn by animal power, and those parts of said railroad, from John street to Riverside park, and easterly on Dominick street as far as Sixth street in the Factory village, so called, herein authorized, shall be completed within two years from the passage of this act, and five years shall be allowed within which to build the remainder. In case the whole is not completed within five years, the rights and privileges conferred by this act shall cease as to that part so remaining unmade. The grade of the said railroad track shall conform to the grade of the streets, as said grade now is or may hereafter be from time to time established or altered by the proper authorities; and the said company or their assigns, shall keep the surface of said streets and highways within the rails and for one foot outside thereof, and to the extent of the ties, in good and proper order and repair.
- § 3. The Legislature may at any time alter, amend or repeal this act.
- § 4. This act shall take effect immediately.

Motive power.

Time for completion.

Grade.

Surface of streets within the rails, ties, &c.

Chap. 442.

AN ACT to enable the town of Amity in the county of Allegany to pay its railroad bonds before they become due.

Passed May 11, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of supervisors of the county of Allegany are hereby authorized and empowered, upon the written application therefor, by the board of town auditors of the town of Amity in said county of Allegany, to spread a tax upon said town, of a sum not exceeding five thousand dollars in any one year, to pay off the bonds issued by said town to the Belmont and Buffalo Railroad Company before they become due.

Tax to pay town bonds.

§ 2. The said board of town auditors shall not make such application to the board of supervisors until there shall have been filed in the town clerk's office of said town, a written consent thereto, signed by a majority of the tax-payers of said town represented upon the last assessment roll of said town, who are the owners of or represent a majority of the taxable property of said town upon the last assessment roll thereof.

Consent of taxpayers.

§ 3. This act shall take effect immediately.

Chap. 443.

AN ACT to extend the time for beginning the construction of the road of the New York and Highland Suspension Bridge Railway Company.

Passed May 11, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for beginning the construction of the road of the New York and Highland Suspension Bridge Railway Company,

Time for beginning construction.

tion of
road, &c.,
extended.

Rights,
privileges,
&c., of
company
contin-
ued.

and expending thereon ten per cent. of the amount of its capital is hereby extended for the period of three years from the first day of April, in the year eighteen hundred and seventy-four, and all the rights, privileges, franchises and liabilities of said corporation shall exist and continue in the same manner and to the same extent as though the construction of said road had been commenced, and ten per cent. of the amount of its capital had been expended thereon within two years from the date of the filing and recording of its articles of association in the office of the Secretary of State, and the neglect or failure of said company or its officers to do any act or thing required by law to be done by said corporation since its articles of association were so filed, shall not in any manner affect the rights, privileges or franchises of said corporation.

§ 2. This act shall take effect immediately.

Chap. 444.*

AN ACT to create a board of excise in the several towns of this State.

Passed May 4, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commis-
sioners of
excise to
be elect-
ed.

Their du-
ties.

Compem-
sation.

Commis-
sioners
first elect-
ed to be
classified.

One com-
missioner
to be
elected
annually.
Vacan-
cies.

Separate
ballot.

SECTION 1. At the annual town meetings in the several towns in this State, held next after the passage of this act, there shall be elected in the same manner as other town officers are elected, three commissioners of excise, who while acting as such commissioners, shall not hold either of the offices of supervisor, justice of the peace, or town clerk, the office of president or trustee of any incorporated village, and who shall compose the board of excise of their respective towns, and discharge the duties imposed upon the supervisor and justices of the peace of towns, and the president and trustees of incorporated villages thereof, by chapter one hundred and seventy-five of the laws of eighteen hundred and seventy, and laws amendatory thereof and supplementary thereto; and shall be entitled to receive compensation at the rate of three dollars per day, while in session, as a board of excise, which shall be a town charge; except in the counties where the moneys received by said board are paid into the county treasury as hereinafter provided, when it shall be a county charge. The commissioners first elected under this act shall be classified by lot, under the superintendence of the supervisor, the justice of the peace having the shortest time to serve, and the town clerk, or a majority of such officers, who shall meet at the office of the town clerk of their respective towns, for such purpose, within ten days after such town meeting, and the persons drawing for one, two, and three years, shall serve for such terms respectively; and annually thereafter one commissioner of excise shall be elected for a term of three years. Vacancies occurring in said boards, from any cause, shall be filled by appointment by the supervisor and justices of the peace of said town, or a majority of them, until the next annual town meeting, when such vacancy shall be filled by election.

§ 2. The said commissioners shall be voted for upon a separate ballot, which shall be deposited in a separate box, marked "excise," and

* Chapter assigned to this act at the Executive Chamber, and act received at and deposited in the office of the Secretary of State, May 12, 1874.

before entering upon the duties of their offices, shall take and subscribe the constitutional oath of office and file the same with the town clerk, and shall execute a bond to the supervisor thereof, to be approved by him in double the amount of the excise moneys of the preceding year, conditioned for paying over to him or his immediate successor in office, within thirty days after the receipt thereof, all moneys received by them as such excise commissioners. Said moneys shall be disposed of as directed by the town board, except in those counties where the support of the poor is a county charge where such excise money shall be paid into the county treasury, subject to the control of the board of supervisors.

Oath of office and bond.

Excise moneys, how disposed of.

§ 3. Nothing in this act shall affect the provisions of any special act in so far as the same provides for any special disposition of excise moneys or fines.

§ 4. This act shall take effect immediately.

Chap. 445.

AN ACT for the relief of the Nassau Drawing-room Car Company.

Passed May 12, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Nassau Drawing-room Car Company, a corporation duly organized under and pursuant to the provisions of the act of the legislature of the State of New York, entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," passed February seventeen, eighteen hundred and forty-eight, and the several acts amendatory thereof and additional thereto, is hereby authorized and empowered to enter into contract with any railroad company or corporation, whose road is or shall hereafter be operated in the city of Brooklyn, by animal or dummy engine power or otherwise, to run its cars or lease the right to run the same, upon and over the road of such corporation, for the transportation of passengers, upon such terms as may be mutually agreed upon.

Authority given to contract with any railroad company in Brooklyn.

§ 2. It shall be lawful for the said company, its successors, lessees or assigns, to charge, collect and receive for the use of said cars in all cases, for each passenger, a sum not exceeding five cents, for each and every time any passenger shall ride therein, in addition to the legal fare for transportation allowed upon any road upon which said drawing-room cars may be operated; but the aggregate rate of fare shall not exceed ten cents for each passenger.

Additional fare.

§ 3. Any railroad company permitting the use of said drawing-room cars shall nevertheless keep and run sufficient first-class cars, of the style now in use on the railroads in the city of Brooklyn, for the fare and as now required by law, for the convenient use and accommodation of all passengers not wishing to use a drawing-room car, and on every such drawing-room car there shall appear in conspicuous letters, "Drawing-room car," and the amount of fare for transportation therein, and in default of which no charge shall be made for the use of such drawing-room car, nor shall the company be allowed to collect fare from any passenger who is not provided with a seat.

Ordinary cars to be run.

Lettering upon car.

§ 4. Nothing in this act contained shall be so construed as to exonerate any railroad company from the payment of damages for injuries, in

Damages for injuries.

the same way and to the same extent as they would be required to do by law, had the same occurred by any car operated by such company.

§ 5. This act shall take effect immediately.

Chap. 446.

AN ACT to revise and consolidate the statutes of the State relating to the care and custody of the insane; the management of the asylums for their treatment and safe keeping, and the duties of the State commissioner in Lunacy.

Passed May 12, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

TITLE FIRST.

GENERAL PROVISIONS.

ARTICLE I.

Commitment of the insane.

Certifi-
cate of
physi-
cians.

Approval
thereof by
a judge of
a court of
record.

Judges
may take
proofs,
&c.

Qualifica-
tion of
physician
certifying.

To be cer-
tified by a
judge.
Personal
examina-
tion.

When
physician
may not
certify.

Descrip-
tive entry
of case
to be
made.

SECTION 1. No person shall be committed to or confined as a patient in any asylum, public or private, or in any institution, home or retreat for the care and treatment of the insane, except upon the certificate of two physicians, under oath, setting forth the insanity of such person. But no person shall be held in confinement in any such asylum for more than five days, unless within that time such certificate be approved by a judge or justice of a court of record of the county or district in which the alleged lunatic resides, and said judge or justice may institute inquiry and take proofs as to any alleged lunacy before approving or disapproving of such certificate and said judge or justice may in his discretion call a jury in each case to determine the question of lunacy.

§ 2. It shall not be lawful for any physician to certify to the insanity of any person for the purpose of securing his commitment to an asylum, unless said physician be of reputable character, a graduate of some incorporated medical college, a permanent resident of the State, and shall have been in the actual practice of his profession for at least three years. And such qualifications shall be certified to by a judge of any court of record. No certificate of insanity shall be made except after a personal examination of the party alleged to be insane, and according to forms prescribed by the State commissioner in lunacy, and every such certificate shall bear date of not more than ten days prior to such commitment.

§ 3. It shall not be lawful for any physician to certify to the insanity of any person for the purpose of committing him to an asylum of which the said physician is either the superintendent, proprietor and officer or a regular professional attendant therein.

§ 4. Every superintendent of a State asylum or public or private asylum, institution, home or retreat for the care and treatment of the insane, shall within three days after the reception of any patient, make or cause to be made, a descriptive entry of such case in a book exclusively set apart for that purpose. He shall also make entries from

time to time of the mental state, bodily condition and medical treatment of such patient, together with the forms of restraint employed, during the time such patient remains under his care, and in the event of the discharge or death of such patient, the superintendent aforesaid shall state in such case-book the circumstances appertaining thereto.

Mental state, &c., entries of.

§ 5. The county superintendents of the poor of any county or town, to which any person shall be chargeable, who shall be, or shall become a lunatic, may send any such person to any State lunatic asylum by an order under their hands, and in compliance with the provisions of this act.

County superintendents of the poor, power of, over pauper insane.

§ 6. In case of the refusal or neglect of any committee or guardian of any lunatic, or his relatives, to confine and maintain him, or where there is no such committee, guardian or relative of sufficient ability to do so, it shall be the duty of the overseers of the poor, or constables of the city or town where any lunatic shall be found, to report the same forthwith to the superintendent of the poor, who shall apply to the county judge, special county judge or surrogate, who, upon being satisfied upon examination that it would be dangerous to permit such lunatic to go at large, shall issue his warrant, directed to the constables and overseers of the poor of such city or town, commanding them to cause such lunatic to be apprehended, and to be sent within the next ten days to some State lunatic asylum, or to such public or private asylum as may be approved by any standing order or resolution of the supervisor of the county, to be there kept and maintained until discharged by law.

Overseers of the poor or constables to report to superintendent of the poor. His duty thereupon.

County judge to issue warrant.

Order of Supervisors.

§ 7. It shall be the duty of the overseers of the poor or constables to whom such warrant shall be directed, to procure a suitable place for the confinement of such lunatic as therein directed pursuant to the preceding section, but in no case shall any lunatic be confined in any other place than a State lunatic asylum or public or private asylum duly approved as aforesaid, for a longer period than ten days.

Lunatic not to be confined more than ten days, except in asylum.

§ 8. No person who by reason of lunacy or otherwise, is so far disordered in his mind as to be dangerous to himself or others shall be committed as a disorderly person to any prison, jail, house of correction, or confined therein unless an agreement shall have been made for that purpose with the keeper thereof; and no such lunatic or person disordered in his mind shall be confined in the same room with any person charged with or convicted of any crime, nor shall such lunatic be confined in any prison, jail or house of correction for more than ten days.

Not to be confined as disorderly persons, &c.

Nor with criminals.

§ 9. If any person being of disordered mind and committed as a dangerous lunatic to any prison, jail or house of correction as set forth in the preceding section shall continue to be insane at the expiration of ten days he shall be sent forthwith to some State lunatic asylum or to such public or private asylum as may be approved as aforesaid.

Person committed as dangerous lunatic, to be sent to asylum.

§ 10. Any overseer of the poor, constable, keeper of a jail or other person who shall confine any lunatic in any other manner or in any other place than such as are herein specified shall be deemed guilty of a misdemeanor, and on conviction thereof shall be liable to a fine not exceeding two hundred and fifty dollars or to imprisonment not exceeding one year, or to both, at the discretion of the court before which the conviction shall be had.

To confine lunatic in other place or manner than herein prescribed, a misdemeanor.

§ 11. If any lunatic, committed under the provisions of this article, or any friend in his behalf, be dissatisfied with any final decision or order of a county judge, special county judge, surrogate, judge of the superior court or court of common pleas of a city, or police magistrate, he may,

Appeal.

Proceedings upon.

within three days after such order or decision, appeal therefrom to a justice of the Supreme Court, who shall, thereupon, stay his being sent out of the county, and forthwith call a jury to decide upon the fact of lunacy. After a full and fair investigation, aided by the testimony of at least two respectable physicians, if such jury find him sane, the justice shall forthwith discharge him, or otherwise he shall confirm the order for his being sent immediately to an asylum. In case any county judge, special county judge, surrogate, judge of the superior court or common pleas of a city, or police magistrate refuse to make an order for the confinement of any insane person, proved to be dangerous to himself or others if at large, he shall state his reasons for such refusal in writing, so that any person aggrieved may appeal therefrom to a justice of the Supreme Court, who shall hear and determine the matter in a summary way or call a jury as he may think most fit and proper.

If judge refuse order for confinement, he must state his reasons in writing.

Appeal therefrom.

When relatives are to provide place for confinement, &c.

In case of inability, superintendent of poor to send lunatic to asylum.

§ 12. If such lunatic is not possessed of sufficient property to maintain himself, it shall be the duty of the father, mother, or children of such lunatic, if of sufficient ability, to provide a suitable place for his confinement, and to confine and maintain him in such manner as shall be agreeable to the provisions of this act. But in case his relatives are not of sufficient ability to maintain him, then the superintendent of the poor of the county shall, upon his order, send such pauper-lunatic to any State asylum, or to such public or private asylum as may be approved by a standing order or resolution of the supervisors, within ten days.

Remedies to compel relatives to maintain, &c.

§ 13. The overseers and superintendents of the poor shall have the same remedies to compel such relatives to confine and maintain such lunatic, and to collect the costs and charges of his confinement, as are given by law in the case of poor and impotent persons becoming chargeable to any town.

Indigent insane person not a pauper. Judge to investigate facts.

§ 14. When a person in indigent circumstances, not a pauper, becomes insane, application may be made in his behalf to any county judge, special county judge, judge of a superior court or common pleas of the county where he resides, and said judge shall fully investigate the facts of the case, both as to the question of his indigence as well as to that of his insanity. And if the judge certifies that satisfactory proof of his insanity has been adduced, and that such person has become insane within one year next prior to the granting of the order of admission, and that his estate is insufficient to support him and his family (or, if he has no family, himself) while under the visitation of insanity, then it shall be the duty of any judge before whom an application for that purpose is made, to cause reasonable notice thereof, and of the time and place of hearing the same, to be given to one of the superintendents of the poor of the county chargeable with the expense of supporting such person in a State asylum, if admitted, and he shall then proceed to ascertain when such person became insane, and shall state in his certificate that satisfactory proof has been adduced before him that such person became insane within a year next prior to the date of such certificate. On granting such certificate the judge may, in his discretion, require the friends of the patient to give security to the superintendent of the poor of the county to remove the patient from the asylum at the end of the two years, in case he does not sooner recover. When a patient who is admitted into an asylum on the certificate of any judge given as hereinbefore recited has remained in such asylum two years and has not recovered, the superintendent of the asylum shall send a written notice to the county judge of the county from which he was sent, that such patient has remained in the asylum two years and has not

Notice of hearing.

Judge may require security.

If patient has not recovered, superintendent to give notice to county judge.

recovered, and that, in case he is not removed therefrom, the expense of his support will be chargeable to the county until he is so removed, and such expense shall be chargeable to the county accordingly. But in every case where a patient, admitted into an asylum as hereinbefore provided, shall have remained there two years and has not recovered, the managers of the asylum may, in their discretion, cause such person to be returned to the county whence he came, and charge the expense of such removal to the county. The judge granting said order of indigence shall file all papers belonging to such proceedings, together with his decision, with the clerk of the county and report the facts to the supervisors, whose duty it shall be, at their next annual meeting, to raise the money requisite to meet the expenses of support of such indigent lunatic.

Patient may be returned to county.

Judge to file papers, &c., and to report.

§ 15. When an insane person in indigent circumstances, not a pauper, shall have been sent to any State asylum by his friends, who have paid his bills therein for six months, if the superintendent shall certify that he is a fit patient and likely to be benefited by remaining in the institution, the supervisors of the county of his residence are authorized and required, upon an application under oath in his behalf, to raise a sum of money sufficient to defray the expenses of his remaining there another year, and to pay the same to the treasurer of the asylum. And they shall repeat the same for one year more upon like application and the production of a new certificate of like import from the superintendent of such asylum.

When supervisors to raise money to defray expenses at asylum.

Repetition thereof.

§ 16. The expense of sending any lunatic to a State asylum, and of supporting him there, shall be defrayed by the county or town to which he may be chargeable. If chargeable to a county, or to any town whose poor moneys are required to be paid into the county treasury, such expense shall be paid by the county treasurer out of the funds appropriated to the support of the poor belonging to such county or town, after being allowed and certified by the county superintendents. If such lunatic be chargeable to a town whose poor moneys are not required to be paid into the county treasury, such expense shall be paid by the overseers of the poor thereof.

Expenses to be defrayed by county or town.

When to be paid by county treasurer.

When by overseer of poor.

§ 17. The overseers of the poor of any city or town shall have the same remedies to compel the committee or guardian of the estate of any lunatic to confine and maintain such lunatic, and to collect of such committee the cost and charges of his confinement and support, as are given in the preceding sections against the relatives of such lunatic. And the court of general sessions of the peace of the city or county shall make orders against such committee personally, and enforce them in the same manner as against the relatives of any poor person, so long as such committee has any property in his hands, for the support of such lunatic.

Remedies to compel committee or guardian to maintain, &c.

Court of sessions to make orders.

§ 18. None of the foregoing provisions shall be deemed to restrain or abridge the power and authority of the Supreme Court, the superior court and the court of common pleas of the city and county of New York, or the county courts, concerning the safe-keeping of any lunatics, or the charge of their persons or estates.

Powers of court not abridged.

§ 19. The county superintendents of the poor shall have all the powers and authority herein given to overseers of the poor of any town.

Powers of county superintendents.

ARTICLE SECOND.

Commitment of the insane by criminal process.

§ 20. If any person in confinement under indictment for the crime of arson, murder or attempt at murder, or highway robbery, shall appear

Person indicted for arson,

murder, &c., and appearing to be insane, court may inquire into his mental condition.

If insane, may remand him to lunatic asylum

Powers of governor.

When a person accused of murder or arson escapes indictment, court to ascertain whether insanity continues, and if so, to send accused to asylum. County judge, when to institute investigation, &c.

When he may order person sent to asylum.

Superintendent to notify judge and district attorney of recovery.

County to defray expenses. May recover the same.

Removal to asylum for insane criminals.

Expenses thereof.

Transfer from penitentiary to

to be insane, the court of oyer and terminer in which such indictment is pending shall have power, with the concurrence of the presiding judge of such court, summarily to inquire into the sanity of such person and the degree of mental capacity possessed by him, and for that purpose may appoint a commission to examine such person and inquire into the facts of his case and report thereon to the court, and if the said court shall find such person insane, or not of sufficient mental capacity to undertake his defense, they may by order remand such person to such State lunatic asylum as in their judgment shall be meet, there to remain until restored to his right mind, when he shall be remanded to prison and criminal proceedings be resumed, or otherwise discharged according to law.

§ 21. The Governor shall possess the same powers conferred upon courts of oyer and terminer, in case of persons confined under conviction for offenses for which the punishment is death.

§ 22. When a person accused of the crime of arson or murder, or attempt at murder, shall have escaped indictment, or shall have been acquitted upon trial upon the ground of insanity, the court, being certified by the jury or otherwise of the fact, shall carefully inquire and ascertain whether the insanity in any degree continues, and if it does, shall order such person into safe custody, and to be sent to one of the State lunatic asylums, or to the State Lunatic Asylum for Insane Criminals at Auburn, at the discretion of the court. If any person in confinement under indictment for the crime of arson or murder, or attempt at murder, shall appear to be insane, the county judge of the county where he is confined shall institute a careful investigation, call two or more respectable physicians and other credible witnesses, invite the district attorney to aid in the examination, and, if it be deemed necessary, call a jury, and for that purpose is fully empowered to compel the attendance of witnesses and jurors; and if it is satisfactorily proved that such person is insane, said judge may discharge such person from imprisonment, and order his safe custody and removal to one of the State lunatic asylums, or to the State Lunatic Asylum for Insane Criminals, at the direction of such judge, where such person shall remain until restored to his right mind, and then, if the said judge shall have so directed, the superintendent of said asylum shall inform the said judge and the district attorney of the county thereof, so that the person so confined may, within sixty days thereafter, be remanded to prison, and criminal proceedings be resumed, or otherwise discharged. If any such person be sent to either of said asylums, the county from which he is sent shall defray all expenses of such person while at the asylum, and the expense of returning him to such county; but the county may recover the amount so paid from his own estate, if he have any, or from any relative, town, city or county that would have been bound by existing laws, to provide for and maintain him elsewhere.

§ 23. Any person now or hereafter confined in either of the State lunatic asylums upon the charge of arson or murder, or attempt at murder or highway robbery, under the provisions of this act or any former act, may, upon the application of any superintendent of an asylum, be brought before a justice of the Supreme Court, who may order his removal to the State Lunatic Asylum for Insane Criminals at Auburn. The provision of the preceding section, requiring the county to defray the expenses of a person sent to either asylum, shall be equally applicable to similar expenses arising under this section.

§ 24. Any person who is now, or shall be hereafter, confined in any penitentiary, and who shall appear to be insane, may, on application of

the superintendent thereof, be transferred to the State Lunatic Asylum for Insane Criminals at Auburn, under an order of any justice of the Supreme Court, or the county judge of the county in which such penitentiary is located, upon satisfactory evidence that such person is insane; and the judge shall thereupon order his removal forthwith to said asylum, where he shall remain until recovered or otherwise discharged according to law.

asylum for
insane
criminals.

§ 25. The penitentiary from which such convict shall have been transferred shall be liable for the expenses of his care and maintenance during the time he shall remain in said asylum, provided that he is removed therefrom before the expiration of his sentence. If he shall continue insane after the expiration of the time for which he was sentenced, then the county from which he was sent to said penitentiary shall pay his expenses, as hereinbefore provided in section twenty-two of this act.

Expenses
of care
and main-
tenance.

§ 26. If any person in confinement under indictment or under sentence of imprisonment, or under a criminal charge, or for want of bail for good behavior, or for keeping the peace, or for appearing as a witness, or in consequence of any summary conviction, or by order of any justice, or under any other than civil process, shall appear to be insane, the county judge of the county where he is confined shall institute a careful investigation, call two respectable physicians and other credible witnesses, invite the district attorney to aid in the examination (and if he deem it necessary, call a jury, and for that purpose is fully empowered to compel the attendance of witnesses and jurors), and if it be satisfactorily proved that he is insane, said judge may discharge him from imprisonment and order his safe custody and removal to a State asylum, where he shall remain until restored to his right mind; and then the superintendent shall inform the said judge and district attorney, so that the person so confined may, within sixty days thereafter, be remanded to prison and criminal proceedings be resumed or otherwise discharged, or if the period of his imprisonment shall have expired he shall be discharged. When such person is sent to an asylum, the county from which he is sent shall defray all his expenses while there and of sending him back if returned, but the county may recover the amount so paid from his own estate, if he have any, or from any relative, town, city or county that would have been bound to provide for and maintain him elsewhere.

Person in
confinement
under
other than civil
process,
appear-
ing to be
insane,
county
judge to
institute
investigation.

When
judge may
discharge
or order
removal
to asylum.

Person to
be re-
manded
or dis-
charged.

County to
pay ex-
penses.
May re-
cover
amount
paid.

§ 27. If a person imprisoned on attachment, or any civil process, or for the non-payment of a militia fine, becomes insane, one of the judges mentioned in the last preceding section of this act shall institute like proceedings in his case as are required in the case provided for in said section; but notice shall be given by mail or otherwise, to the plaintiff or his attorney, if in the State; and if it shall be proved to the satisfaction of said judge that the prisoner is insane, he may discharge him from imprisonment and order him into safe custody and to be sent to a State asylum. The provisions of the last preceding section, requiring the county to defray the expenses of a patient sent to a State asylum, shall be equally applicable to similar expenses arising under this section.

Proceed-
ings in
case of in-
sane per-
son im-
prisoned
on civil
process.

Expenses.

§ 28. Persons charged with misdemeanor and acquitted on the ground of insanity may be kept in custody and sent to a State asylum, in the same way as persons charged with crime, and their expenses shall be paid in the like manner.

Persons
acquitted
on ground
of insani-
ty.

Compensation of officers to be fixed by board of supervisors.

§ 29. The boards of supervisors in the respective counties of this State are hereby empowered, and it shall be their duty, annually to fix and determine the compensation to be allowed and paid to officers for the conveyance of juvenile delinquents to the houses of refuge, and of lunatics to the insane asylums, and no other or greater amount than so fixed and determined shall be allowed and paid for such service.

Defense of insanity, when it must be plead.

§ 30. Whenever any person in confinement under indictment for the crime of arson, murder or attempt at murder, or highway robbery, desires to offer the plea of insanity as a general traverse and his whole defense to such indictment, he shall present such plea at the time of his arraignment, and at no other stage of the trial but this, shall such plea or defense be received or entertained by the court; and the court before whom such trial is pending shall have power, with the concurrence of the presiding judge thereof, to appoint a commission to examine such person and to inquire and report to the court aforesaid, upon the fact of his mental sanity at the date of the offense with which he stands charged. The commission aforesaid shall institute a careful investigation, call such witnesses as may be necessary and for that purpose is fully empowered to compel the attendance of witnesses.

Commission to examine and report.

If found insane, accused to be removed to a State lunatic asylum.

Upon the report of said commission, if the court before whom such indictment is pending shall find that such person was insane and irresponsible at the date of the offense with which he stands charged, the court aforesaid shall order his removal to some State lunatic asylum, there to remain for observation and treatment, until such time as, in the opinion of a justice of the Supreme Court it is safe, legal and right to discharge him.

Special verdict in case of acquittal upon ground of insanity.

§ 31. Whenever any person accused of the crime of arson, murder, or attempt at murder, or highway robbery, shall have been acquitted upon trial, upon the ground of insanity, the jury shall bring in a special verdict to that effect and so state it in their finding; and the court before whom such trial is had, shall order such person to be committed to some State lunatic asylum, there to remain for observation and care until such time as, in the judgment of a judge of the Supreme Court, founded upon satisfactory evidence, it is safe, legal and right to discharge him.

Accused to be committed to a lunatic asylum.

Expenses to be paid by county when insane person under indictment shall be committed to asylum. Notice of recovery.

§ 32. Whenever any insane person in confinement under indictment shall be committed, as hereinbefore recited, to any State lunatic asylum, the county from which he is sent shall defray all the expenses of such person, while at such asylum, and the expense of returning him to such county; but the county may recover the amount so paid from his own estate, or from any relative, town, city or county that would have been bound by existing laws, to provide for and maintain him elsewhere.

Object thereof.

§ 33. Whenever any insane person in confinement under indictment for arson, murder, or attempt at murder, or highway robbery, or who has been acquitted thereof on the ground of insanity, and has been committed to some State lunatic asylum, pursuant to the provisions of the preceding sections, shall be restored to his right mind, it shall be the duty of the superintendent of such asylum to send a written notice of the same to a justice of the Supreme Court of the district in which such asylum is situated, in order that proceedings may be instituted to determine whether it is safe, legal and right that such party in confinement as aforesaid, should be discharged.

No insane person to be discharged from poor-house or

§ 34. No insane person confined in any county poor-house or county asylum shall be discharged therefrom by any keeper of such establishment, by any superintendent of the poor, or by any other county authority, without an order from a county judge or judge of the

Supreme Court, founded upon satisfactory evidence that it is safe, legal and right to make such discharge, as regards the individual and the public. The violation of this provision shall be deemed a misdemeanor, and be punishable by a fine not exceeding five hundred dollars nor less than one hundred dollars, in the discretion of the court. This section shall not apply to the counties of New York and Kings; but no insane person shall be discharged from either of the lunatic asylums of the said counties, without the certificate, in writing, of the physician thereof, which certificate shall be filed and kept in said asylum, starting * that such discharge is safe and proper.

county
asylum
without
order
from a
judge.
Not appli-
cable to
New York
and Kings
counties.

§ 35. The boards of managers of State lunatic asylums are hereby authorized to appoint two or more of the attendants and employees of said asylum as policeman, whose duty it shall be, under the orders of the superintendent, to arrest and return to the asylum insane persons who may escape therefrom.

Police-
men may
be ap-
pointed.

§ 36. The resident officers of all State lunatic asylums, and all attendants and assistants actually employed therein shall, during the time of such employment, be exempt from serving on juries, and in time of peace, from service in the militia, and the certificate of the superintendent shall be evidence of the fact of such employment.

Officers,
&c., ex-
empt from
jury ser-
vice, &c.

ARTICLE THIRD.

Maintenance of the Insane.

§ 37. Whenever any person who is possessed of sufficient property to maintain himself, becomes by lunacy or otherwise, so far disordered in his senses as to endanger his own person or the person or property of others, it shall be the duty of the committee of his person and estate to provide a suitable place for his confinement, and to confine and maintain him in such manner as shall be approved by the proper legal authority; and in every case of lunacy hereafter occurring, the lunatic shall be sent within ten days to some State lunatic asylum, or to such public or private asylum as may be approved by a standing order or resolution of the supervisors of the county. The superintendents and overseers of the poor are severally enjoined to see that this provision be carried into effect in the most humane and speedy manner, as well in case the lunatic or his relatives are of sufficient ability to defray the expenses, as in case of a pauper.

Duty of
commit-
tee to
maintain,
&c.

Lunatic to
be sent to
a State or
private
asylum.
Superin-
tendents
and over-
seers of
the poor,
their du-
ties.

§ 38. When the personal property and the rents, profits and income of the real estate of any idiot, lunatic or person of unsound mind shall be insufficient for his maintenance, or that of his family, or for the education of his children, it shall be the duty of the committee of his estate to apply, by petition, to the Supreme Court, or to the court having jurisdiction, for authority to mortgage or sell the whole, or so much of the real estate as shall be necessary for that purpose; upon which the same reference and proceedings shall be had, and a like order shall be entered, as directed in section nine of title second of this act, and the court shall direct the manner in which the proceeds of such sale shall be secured, and the income or produce thereof appropriated.

Sale of
real estate
of lunatic,
&c.

TITLE SECOND.

CARE OF THE ESTATES OF INSANE PERSONS.

SECTION 1. The supreme court shall have the care and custody of all idiots, lunatics, persons of unsound mind and persons who shall be

Supreme
court to
have cus-

today of idiots, lunatics, &c., and of their estates.

Jurisdiction of county court.

Commission of lunacy, issue therein

Evidence.

Committee of estate to file an inventory.

Contents thereof.

Semi-annual account, &c.

Verification of inventory. Filing thereof, how compelled.

Committees, &c., may sue in their own names.

Sale of demand.

Security for costs.

Sale of real estate.

Additional bond to be given.

incapable of conducting their own affairs in consequence of habitual drunkenness, and of their real and personal estates, so that the same shall not be wasted or destroyed, and shall provide for their safe-keeping and maintenance, and for the maintenance of their families and the education of their children out of their personal estates and the rents and profits of their real estates respectively. And the county court shall have a similar jurisdiction in the care and custody of the person and estate of a lunatic or person of unsound mind or an habitual drunkard resident within the county.

§ 2. In every commission of lunacy appointed to inquire into the mental sanity of any party, the inquiry or issue shall be confined to the question, whether or not the person who is the subject of the inquiry is at the time of such inquiry of unsound mind and incompetent to manage himself or his affairs; and no evidence as to any thing said or done by such person, or as to his demeanor or state of mind at any time being more than two years before the time of such commission or inquiry shall be receivable in proof of insanity on any such inquiry, unless the court shall otherwise direct.

§ 3. Every committee or guardian of the estate of any idiot, lunatic, or other person of unsound mind, as hereinbefore specified, shall, within six months after their appointment, file in the office of the clerk of the court which appointed such committee or guardian a just and true inventory of the whole real and personal estate of such idiot, lunatic or other person, stating the income and profits thereof, and the debts, credits and effects, so far as the same shall have come to the knowledge of such committee or guardian. He shall also file in the office of the clerk of the court aforesaid a semi-annual account, thereafter, under oath and of the disposition made of the income of such estate; and whenever any property belonging to such estate shall be discovered after the filing of any inventory, it shall be the duty of such committee or guardian to file as aforesaid a just and true account of the same, from time to time, as the same shall be discovered.

§ 4. Such inventories shall be verified by the oath of the committee or guardian, to be taken before a judge of any court of record. And the filing of such inventories may be compelled by the order and process usual in such cases of the court which appointed the committee or guardian.

§ 5. Receivers and committees of lunatics and habitual drunkards appointed by any order or decree of any court of competent jurisdiction may sue in their own names for any debt, claim or demand transferred to them, or to the possession or control of which they are entitled as such receiver or committee; and when ordered or authorized to sell such demands the purchaser thereof may sue and recover therefor in his own name, but shall give such security for costs to the defendant as the court in which such suit is brought may direct.

§ 6. Any idiot, lunatic or person of unsound mind, seized of any real estate, or entitled to any term for years in lands, may, by committee duly appointed, apply to the Supreme Court for the sale or disposition of the same in the manner hereinafter directed.

§ 7. On such application said committee shall give a bond to such idiot, lunatic or person of unsound mind, in addition to the bond given on appointment as such committee, to be filed with the clerk of said court, in such penalty, with such sureties and in such form as the court shall direct, conditioned for the faithful performance of the trust reposed, for the paying over, investing and accounting for all moneys that shall be received by such committee, according to the order of

any court having authority to give directions in the premises, and for the observance of the orders and directions of the court in relation to the trust.

§ 8. Upon the filing of such bond the court may proceed in a summary manner by reference to a referee, to inquire into the merits of such application, and if such bond be forfeited, the court shall direct it to be prosecuted for the benefit of the party injured.

Mode of proceeding.
Prosecution of bond.
Grounds for leasing or sale of real estate.

§ 9. Whenever it shall appear satisfactorily that a disposition of any part of the real estate of such idiot, lunatic or person of unsound mind, or of any interest in any term for years, is necessary and proper either for the support and maintenance of such idiot, lunatic or person of unsound mind, or for his or her education, or that the interest of such idiot, lunatic or person of unsound mind requires, or will be substantially promoted by such disposition, on account of any part of such property being exposed to waste and dilapidation, or on account of its being wholly unproductive, or when the same has been contracted to be sold and a conveyance thereof cannot be made by reason of such lunacy or unsoundness of mind, or for any other peculiar reason or circumstances, the court may order the letting for a term of years or the sale or other disposition of such real estate or interest to be made by such committee or guardian in such manner and with such restrictions as shall be deemed expedient, or may order the fulfillment of said contract by conveyance by such committee or guardian according to the terms of the contract.

§ 10. But no real estate, or term for years, or any interest in real estate hereinbefore named, shall be sold, leased or disposed of in any manner against the provisions of any last will, or of any conveyance by which such estate or term or interest was devised or granted to such idiot, lunatic or person of unsound mind.

No sale can be made contrary to the provisions of a will, &c.

§ 11. Upon an agreement for the sale, leasing or other disposition of such property being made, or upon any conveyance in fulfillment of a contract being executed in pursuance of such order, the same shall be reported to the court on the oath of the committee making or executing the same, and except in the case of a conveyance to fill a contract, if the report be confirmed a conveyance shall be executed under the directions of the court.

Report.

Confirmation.

§ 12. All sales, leases, dispositions and conveyances made in good faith by such committee in pursuance of such orders shall be as valid and effectual as if made by such lunatic when of sound mind.

Validity of sales, &c.

§ 13. The court shall make order for the application and disposition of the proceeds of such property, and for the investment of the surplus belonging to such idiot, lunatic or person of unsound mind, and shall ascertain the value of any dower or right of dower, or inchoate right of dower, and shall direct a return of such investment and disposition to be made on oath as soon as may be and shall require accounts to be rendered periodically by any committee or other person who may be intrusted with the disposition of the income of such proceeds.

Disposition of proceeds and investment of surplus.
Return to be made on oath, accounts, &c.

§ 14. No sale made, as aforesaid, of the real estate or interest therein of any idiot, lunatic or person of unsound mind, shall give to such persons aforesaid any other or greater interest or estate in the proceeds of such sale than such idiot, lunatic or person of unsound mind had in the estate so sold; but the said proceeds shall be deemed real estate of the same nature as the property sold, or the interest therein of the said idiot, lunatic or person of unsound mind, and the court shall make order for the preservation of the same.

Proceeds of sale to be deemed real estate.

Dower or other life estate, how it may be treated.

§ 15. If the real estate of any idiot, lunatic or person of unsound mind, or any part of it, shall be subject to dower or other life estate, and the person entitled thereto, shall consent in writing to accept a gross sum in lieu of such dower or other life estate or the permanent investment of a reasonable sum, in such manner as that the interest thereof be made payable to the person entitled to such dower or life estate during life, the court may direct the payment of such sum in gross or the investment of such sum as shall be deemed reasonable, and shall be acceptable to the person entitled to the said dower or other life estate or right therein, actual or contingent, in manner aforesaid.

Release.

§ 16. Before any such sum shall be paid or such investment made, the court shall be satisfied that an effectual release of such right of dower or other life estate, actual or contingent, has been executed.

When it shall be duty of committee to apply for authority to mortgage, lease or sell.

§ 17. Whenever the personal estate of any such idiot, lunatic or persons of unsound mind, shall not be sufficient for the discharge of his debts, it shall be the duty of the committee of his estate to apply by petition to the court by which they were appointed for authority to mortgage, lease or sell so much of the real estate of such idiot, lunatic or person of unsound mind, as shall be necessary for the payment of such debts. The said petition shall set forth the particulars and amount of the estate, real and personal, of such idiot, lunatic or person of unsound mind, the application which may have been made of any personal estate, and an account of the debts and demands existing against such estate.

What petition shall set forth.

Reference.

§ 18. On the presenting of such petition it shall be referred to a referee, or to the clerk of the court, to inquire into and report upon the matters therein contained; whose duty it shall be to examine into the truth of the representations made, to hear all parties interested in such real estate, and to report thereon with all convenient speed.

Report and order thereon.

§ 19. If, upon the coming in of the report and an examination of the matter, it shall appear to the court that the personal estate of the idiot, lunatic or person of unsound mind, is not sufficient for the payment of his debts, and that the same has been applied to that purpose, as far as the circumstances of the case rendered proper, an order shall be entered directing the mortgage, leasing or sale of the whole or such part of the said real estate as may be necessary to discharge the said debts.

Additional security may be required.

§ 20. The court may require any additional security to be given by such committee as may seem necessary to secure a more faithful application of, and accounting for the proceeds of such mortgage, lease or sale, and shall require an account thereof to be rendered from time to time.

Debt, how paid.

§ 21. In the application of any moneys raised by any such mortgage, lease or sale, the committee shall pay all debts in an equal proportion, without giving any preference to such as have a legal priority.

Conveyance, when to be made.

§ 22. The court shall give such orders respecting the time and manner of any sale herein authorized, as shall be deemed proper; and no conveyance in pursuance of any such sale shall be executed until the sale shall have been reported on the oath of the committee, and confirmed by the court directing the same.

Committee may apply for authority to convey trust, estate, &c.

§ 23. Whenever any idiot, lunatic or person of unsound mind shall be seized or possessed of any real estate by way of mortgage, or as a trustee for others, in any manner, his committee may apply to the Supreme Court for authority to convey and assure such real estate to any other person or persons entitled to such conveyance or assurance, in such manner as the said court shall direct, upon which a reference and the like proceedings shall be had, as in the case of an application to sell real

Proceedings thereon.

estate as aforesaid, and the court upon hearing all the parties interested, may order such conveyance or assurance to be made.

§ 24. On the application of any person entitled to such conveyance or assurance by action or petition, the committee may be compelled by the Supreme Court, on a hearing of all parties interested, to execute such conveyance or assurance.

Committee may be compelled to execute conveyance.

§ 25. Every conveyance, mortgage, lease and assurance made under the order of the Supreme Court, or of any court, pursuant to the provisions of this act, shall be as valid and effectual as if the same had been executed by such idiot, lunatic or person of unsound mind when of sound memory and understanding.

Validity of conveyance, &c.

§ 26. The Supreme Court shall have authority to decree and compel the specific performance of any bargain, contract or agreement which may have been made by any lunatic or person of unsound mind while such person aforesaid was of sound memory and understanding, and to direct the committee of such person to do and execute all necessary conveyances and acts for that purpose.

Specific performance.

§ 27. The real estate of any idiot, lunatic or person of unsound mind, or person incapable of conducting his own affairs in consequence of habitual drunkenness, shall not be leased for more than five years, or mortgaged or aliened or disposed of otherwise than is hereinbefore directed.

Term of lease, &c.

§ 28. In case any lunatic or person of unsound mind shall be restored to his right mind and become capable of conducting his own affairs, his real and personal estate shall be restored to him.

Restoration of estate.

§ 29. In case of the death of any idiot, lunatic or person of unsound mind, or person incapable of conducting his own affairs during such state of incapacity, the power of any committee appointed under this act shall cease and the real estate of such idiot, lunatic or person of unsound mind, or person incapable of conducting his own affairs shall descend to his heirs, and his personal estate be distributed according to law, in the same way as if he had been of sound mind and memory, and capable of conducting his own affairs. But nothing herein contained shall be held to affect the provisions of any last will and testament duly made, and which shall be duly admitted to probate.

On the death of lunatic, powers of committee cease. Descent of real and distribution of personal estate.

TITLE THIRD.

OF THE STATE LUNATIC ASYLUM AT UTICA.

SECTION 1. There is established at the city of Utica, the State Lunatic Asylum under the control of nine managers, who shall hold their offices for three years, and until others are appointed in their stead, subject to being removed at any time by the Senate, upon the recommendation of the Governor. Their successors shall be appointed by the Senate upon the nomination of the Governor, and shall hold their offices for three years and until others are appointed in their stead, and subject to be removed in the manner aforesaid. The government of the State Lunatic Asylum shall be vested in the said board of managers, a majority of whom shall reside within five miles of said asylum.

Managers. Their term of office, &c.

Successors, how appointed, their term of office.

§ 2. Said board shall have the general direction and control of all the property and concerns of the institution not otherwise provided for by law, and shall take charge of its general interests, and see that its great design be carried into effect, and everything done faithfully

Board of managers, their powers and duties.

according to the requirements of the Legislature, and the by-laws, rules and regulations of the asylum.

Appoint-
ment of
superin-
tendent
and other
officers.

Steward,
assistant
physician
and ma-
tron-

Special
patholo-
gist, his
salary.

Annual
salaries.

Proviso.

Salaries
payable
quarterly.
Warrant
of Compt-
roller.

Managers
may take
by devise
or be-
quest.

Official
oath.

By-laws,
rules and
regula-
tions.

Superin-
tendent,
his powers
and du-
ties.

§ 3. The managers shall appoint a superintendent, who shall be a well educated physician, of experience in the treatment of the insane, and a treasurer, who shall give bonds for the faithful performance of his trust, in such sum and with such sureties as the Comptroller of the State shall approve. They shall also appoint, upon the nomination of the superintendent, a steward, four assistant physicians and a matron, all of whom, and the superintendent himself, shall constantly reside in the asylum, and shall be designated the resident officers thereof.

§ 4. The managers of said asylum shall have the power, on the nomination of the superintendent of said asylum, to appoint a special pathologist to said asylum, whose salary shall be determined and paid in the same manner as provided by law in relation to the other officers of said asylum.

§ 5. The managers shall, from time to time, determine the annual salaries and allowances of the treasurer and resident officers of the asylum, who have been or may hereafter be appointed, subject to the approval of the Governor, Secretary of State, and the Comptroller, provided that such salaries do not exceed in the aggregate fifteen thousand dollars for one year.

§ 6. The salaries of the treasurer and resident officers of the asylum shall be paid quarterly, on the first days of January, April, July and October in each year, by the Treasurer of the State, on the warrant of the Comptroller, out of any moneys in the treasury not otherwise appropriated, to the treasurer of the asylum, on his presenting a bill of particulars signed by the steward and certified by the superintendent.

§ 7. The managers may take and hold in trust for the State any grant or devise of land, or any donation or bequest of money or other personal property, to be applied to the maintenance of insane persons and the general use of the State Lunatic Asylum.

§ 8. The superintendent, treasurer and steward of the asylum, before entering upon their respective duties, shall severally take the oath prescribed in the first section of the sixth* article of the Constitution of the State; and such oath shall be filed with the clerk of the county of Oneida.

§ 9. The managers are hereby directed and empowered to establish such by-laws as they may deem necessary and expedient for regulating the appointment and duties of officers, attendants and assistants, for fixing the conditions of admission, support and discharge of patients, and for conducting in a proper manner the business of the institution; also to ordain and enforce a suitable system of rules and regulations for the internal government, discipline and management of the asylum.

§ 10. The superintendent shall be the chief executive officer of the asylum. He shall have the general superintendence of the buildings, grounds and farm, together with their furniture, fixtures and stock; and the direction and control of all persons therein, subject to the laws and regulations established by the managers. He shall daily ascertain the condition of all the patients and prescribe their treatment in the manner directed in the by-laws. He shall have the nomination of his co-resident officers, with power to assign them their respective duties, subject to the by-laws; also to appoint, with the managers' approval, such and so many other officers, assistants and attendants as he may think proper and necessary for the economical and efficient performance

* So in original.

of the business of the asylum, and to prescribe their several duties and places, and to fix, with the managers' approval their compensation, and to discharge any of them at his sole direction; but in every case of discharge he shall forthwith record the same, with the reasons, under an appropriate head in one of the books of the asylum. He shall also have power to suspend until the next meeting of the managers, for good and sufficient cause, a resident officer; but in such case he shall forthwith give written notice of the fact, with its causes and circumstances, to one of the managers whose duty thereupon shall be to call a special meeting of the board to provide for the exigency. He shall also, from time to time, give such orders and instructions as he may judge best calculated insure good conduct, fidelity and economy in every department of labor and expense; and he is authorized and enjoined to maintain salutary discipline among all who are employed by the institution, and to enforce strict compliance with such instructions, and uniform obedience to all the rules and regulations of the asylum. He shall further cause full and fair accounts and records of all his doings, and of the entire business and operations of the institution, to be kept regularly from day to day, in books provided for that purpose, in the manner and to the extent prescribed in the by-laws; and he shall see that all such accounts and records are fully made up to the last day of November in each year, and that the principal facts and results, with his report thereon, be presented to the managers within thirty days thereafter. The first assistant physician shall perform the duties and be subject to the responsibilities of the superintendent in his sickness or absence.

Report.
Assistant
physician.

§ 11. The resident officers of the State Lunatic Asylum, and all attendants and assistants actually employed therein during the time of such employment, shall be exempt from serving on juries, from all assessments for labor on the highways, and in time of peace, from all service in the militia; and the certificate of the superintendent shall be evidence of the fact of such employment.

Exemption from
jury services, &c.

§ 12. The managers shall keep in a bound book to be provided for that purpose, a fair and full record of their doings, which shall be open at all times to the inspection of the Governor of the State, and of all persons whom he or either house of the Legislature may appoint to examine the same.

Record of
the doings
of managers.

§ 13. The managers shall maintain an effective inspection of the asylum, for which purpose they shall make frequent visitations, a majority of them once every quarter, and the whole board once a year, at the times and in the manner prescribed in the by-laws. In a book kept by the managers for this purpose, the visiting manager or managers shall note the date of each visit, the condition of the house, patients, with remarks of commendation or censure, and all the managers present shall sign the same. The general results of the inspections, with suitable hints, shall be inserted in the annual report, detailing the past year's operations and actual state of the asylum, which the managers shall make to the Legislature in the month of January in each year, accompanied with the annual reports of the superintendent and treasurer.

Inspection
and visitation
by managers.

Note of
visits, &c.

To be inserted in
annual
report.)

§ 14. It shall be the duty of the resident officers to admit any of the managers into every part of the asylum, and to exhibit to him or them, on demand, all the books, papers, accounts and writings belonging to the institution, or pertaining to its business, management, discipline or government; also to furnish copies, abstracts and reports whenever required by the managers.

Resident
officers to
admit
managers
and exhibit
books,
&c.

Treasurer,
his powers
and duties.

§ 15. The treasurer shall have the custody of all moneys, bonds, notes, mortgages and other securities and obligations belonging to the asylum. He shall open with one of the banks in Utica, to be selected with approbation of the Comptroller of the State, an account in his own name, as treasurer of the asylum; and he shall deposit all moneys, immediately upon receiving them, in said bank, and shall draw for the same only for the uses of the asylum and in the manner prescribed in the by-laws, upon the written order of the steward, specifying the object of the payment. He shall keep full and accurate accounts of receipts and payments in the manner directed in the by-laws, and such other accounts as the managers shall prescribe. He shall balance all the accounts on his books annually, on the last day of November, and make a statement of the balances thereon, and an abstract of the receipts and payments of the past year; which he shall within three days deliver to the auditing committee of the managers, who shall compare the same with his books and vouchers, and verify the results by further comparison with the books of the steward, and certify the correctness thereof within the next five days to the managers. He shall further render a quarterly statement of his receipts and payments on the first day of March, June and September in each year to the auditing committee, who shall compare and verify the same as aforesaid, and report the results, duly certified, to the managers, who shall cause the same to be recorded in one of the books of the asylum. He shall further render an account of the state of his books, and of the funds and other property in his custody, whenever required to do so by the managers.

Treasurer,
his powers,
&c., to compel
relative or
committee
to defray
expenses.

§ 16. The treasurer of the State lunatic asylum shall be vested with the same powers, rights and authority which are now by law given either to superintendents of the poor or to overseers of the poor in any county or town of the State, so far as may be necessary for the indemnity and benefit of the asylum, and for the purpose of compelling a relative or committee to defray the expenses of a lunatic's support in the asylum, and reimburse actual disbursements for his necessary clothing and traveling expenses, according to the by-laws of the institution; also for the purpose of coercing the payment of similar charges when due according to said by-laws, from any town, or city, or county that is liable for the support of any lunatic in said asylum.

May recover
monies due to
the asylum
in an action
in his
official
name.

§ 17. Said treasurer is also authorized to recover for the use of the asylum, any and all sums which may be due upon any note or bond in his hands belonging to the asylum; also any and all sums which may be charged and due according to the by-laws of the asylum, for the support of any patient therein, or for actual disbursements made in his behalf for necessary clothing and traveling expenses, in an action to be brought in said treasurer's name, as treasurer of the State lunatic asylum, and which shall not abate by his death or removal, against the individual, town, city or county legally liable for the maintenance of said patient, and having neglected to pay the same when demanded by the treasurer; in which action the declaration may be in a general indebitatus assumpsit; and judgment shall be rendered for such sum as shall be found due, with interest from the time of the demand made as aforesaid. Said treasurer may also, upon the receipt of the money due upon any mortgage in his hands belonging to the asylum, execute a release and acknowledge full satisfaction thereof, so that the same may be discharged of record.

Action,
not to
abate by
death or
removal.

May execute
satisfaction of
mortgage.

Steward,
his duties.

§ 18. The steward, under the direction of the superintendent, shall make all purchases for the asylum, and preserve the original bills and receipts thereof, and keep full and accurate accounts of the same, and

copies of all orders drawn by himself upon the treasurer ; he shall also, under like direction, make contracts in the superintendent's name with the attendants and assistants, and keep and settle their accounts ; he shall also keep the accounts for the support of patients and expenses incurred in their behalf, and furnish the treasurer every month with copies of such as fall due ; he shall make quarterly abstracts of all accounts to the last day of every February, May, August and November, for the treasurer and managers ; he shall also be accountable for the careful keeping and economical use of all furniture, stores and other articles provided for the asylum.

§ 19. As soon as the asylum shall be ready for the admission of patients, the managers shall cause notice thereof to be published for two weeks in the State paper and sent to the clerk of every county, who shall transmit copies thereof to the superintendents of the poor of said county by mail. A circular from the superintendent shall accompany said notice to each county clerk and to the superintendents of the poor, designating different days for the counties severally to send to the asylum their respective quotas of patients, and giving all necessary directions respecting admission and support according to the by-laws.

Notice of readiness to receive patients.

Circular from superintendent, its contents.

§ 20. The superintendent shall make, in a book kept for the purpose, at the time of reception, a minute, with date, of the name, residence, office and occupation of the person by whom and by whose authority each insane person is brought to the asylum, and have all the orders, warrants, requests, certificates, and other papers accompanying him, forthwith copied into the same.

Superintendent to make minutes of name, residence, &c., of patient.

§ 21. No patient shall be admitted into the asylum for a shorter period than six months, except in special cases, as specified in the by-laws.

Period of admission.

§ 22. Whenever there are vacancies in the asylum, the managers may authorize the superintendent to admit, under special agreements, such recent cases as may seek admission under peculiarly afflictive circumstances, or which, in his opinion, promise speedy recovery.

Patients admitted under special agreement.

§ 23. All town and county officers sending a patient to the asylum shall, before sending him, see that he is in a state of perfect bodily cleanliness, and is comfortably clothed and provided with suitable changes of raiment, as prescribed in the by-laws.

Condition of patient as to cleanliness, &c.

§ 24. The managers, upon the superintendent's certificate of complete recovery, may discharge any patient, except one under a criminal charge or liable to be remanded to prison ; and they may discharge any patient admitted as "dangerous," or any patient sent to the asylum by the superintendent or overseers of the poor, or by the (first) judge of a county, upon the superintendent's certificate that he or she is harmless and will probably continue so, and not likely to be improved by the further treatment in the asylum, or when the asylum is full, upon a like certificate that he or she is manifestly incurable and can probably be rendered comfortable at the poor-house ; so that the preference may be given, in the admission of patients, to recent cases, or cases of insanity of not over one year's duration. They may discharge and deliver any patient, except one under criminal charge as aforesaid, to his relatives or friends, who will undertake with good and approved sureties for his peaceable behavior, safe custody and comfortable maintenance, without further public charge. And the bond of such sureties shall be approved by the county judge of the county from which said patient was sent, and filed in the county clerk's office of said county. Upon the presen-

Discharge of patients.

Security from relatives.

tation of a certified copy thereof, the managers may discharge such patient.

Discharge of patients of criminal class. § 25. A patient of the criminal class may be discharged by order of one of the justices of the Supreme Court, or a circuit judge, if, upon due investigation, it shall appear safe, legal and right to make such order.

Clothing and money to be furnished discharged patients. § 26. No patient shall be discharged without suitable clothing; and, if it cannot be otherwise obtained, the steward shall, upon the order of two managers, furnish it, also money not exceeding twenty dollars, to defray his necessary expenses until he reaches his friends, or can find a chance to earn his subsistence.

No compensation to managers. § 27. The managers of the State Lunatic Asylum shall receive no compensation for their services, but shall receive their actual and reasonable traveling and other expenses, to be paid on the warrant of the Comptroller on the rendering of their accounts.

Purchases, vouchers, &c. § 28. All purchases for the use of the asylum shall be made for cash, and not on credit or time; every voucher shall be taken, duly filled up at the time it is taken; with every abstract of vouchers for money paid shall be proof on oath that the voucher was filled up and the money paid therefor at the time the voucher was taken; and the managers shall make all needful rules and regulations to enforce the provisions of this section.

Price for keeping the poor or indigent. § 29. The price to be paid for keeping the poor, or any person in indigent circumstances, in the asylum shall be annually fixed by the managers, and shall not exceed the actual cost of support and attendance, exclusive of officers' salaries. The managers may, at their discretion, require payments made quarterly or semi-annually in advance.

Liability of patient for his maintenance. § 30. Every insane person supported in the asylum shall be personally liable for his maintenance therein, and for all necessary expenses incurred by the institution in his behalf. And the committee, relative, town, city or county, that would have been bound by law to provide for and support him if he had not been sent to the asylum, shall be liable to pay the expenses of his clothing and maintenance in the asylum, and actual and necessary expenses to and from the same.

County to pay expenses in certain cases. § 31. The expenses of clothing and maintaining in the asylum a patient who has been received upon the order of any court or officer, shall be paid by the county from which he was sent to the asylum. The treasurer of said county is authorized and directed to pay to the treasurer of the asylum the bills for such clothing and maintenance as they shall become due and payable according to the by-laws of the asylum, upon the order of the steward; and the supervisors of said county shall annually levy and raise the amount of such bills, and such further sum as will probably cover all similar bills for one year in advance. Said county, however, shall have the right to require any individual, town, city or county, that is legally liable for the support of such patient, to reimburse the amount of said bills with interest from the day of paying the same.

County may be reimbursed. § 32. Whenever the managers shall order a patient removed from the asylum to the poor-house of the county whence he came, the superintendents of the poor of said county shall audit and pay the actual and reasonable expenses of such removal as part of the contingent expenses of said poor-house. But, if any town or person be legally liable for the support of such patient, the amount of such expenses may be recovered for the use of the county by such superintendents. If such superintendents of the poor neglect or refuse to pay such expenses on demand, the treasurer of the asylum may pay the same and charge the amount to the said county; and the treasurer of the said county is authorized

If superintendents of poor neglect to

to pay the same, with interest, after thirty days; and the supervisors of the said county shall levy and raise the amount as other county charges.

pay such expenses, treasurer may do so.

§ 33. Every town or county paying for the support of a lunatic in the asylum, or for his expenses in going to or from the same, shall have the like rights and remedies to recover the amount of such payments, with interest from the time of paying each bill, as if such expenses had been incurred for the support of the same at other places under existing laws.

Rights and remedies of town or county paying for support.

§ 34. None of the provisions of this act shall restrain or abridge the power and authority of the Supreme Court of the State over the persons and property of the insane.

Power of supreme court.

§ 35. The managers of the said asylum are authorized, under the direction and subject at all times to the control of the acting Canal Commissioner having charge of the Chenango canal, to use the surplus water discharged around or through the fifth lock on said canal, to operate a pump to supply said asylum with water from said canal or from Nail creek, in case the said Commissioner shall be of opinion that the same can be done without detriment to the navigation of said canal.

Supply of water.

§ 36. The managers of the said asylum shall have control of the water in the levels of the Chenango canal, from the fifth to the tenth locks of said canal, both inclusive, and of the water discharged from said levels and locks, for the purpose of supplying said asylum with water and ice; and it shall be the duty of all officers having charge of said canal, and of the persons employed by them, to do all things necessary, and which may be required by said managers, for the supply of said asylum with water and ice as aforesaid; provided, always, that the said managers in all their acts in reference to said levels, and locks, and water, shall be at all times subject to the direction and control of the acting Commissioner having charge of said canal; and that nothing shall be done or permitted by said managers which shall obstruct or interfere with the navigation of said canal, or which shall not first receive the sanction of the Commissioner in charge, and all persons, except such as are in the employ of the State, and such as are engaged in the navigation of the canals, are hereby prohibited from preventing, obstructing or in any way interfering with the said levels, locks and water of the canal, so as to prevent the free and full use thereof by the said asylum, and from doing anything to injure the quality of said water for said use; and any person who shall in any way willfully violate this prohibition shall be guilty of a misdemeanor.

Managers to have control of water in certain portions of Chenango canal for supply of water and ice.

Sanction of canal commissioners.

Misdemeanor.

§ 37. The terms "lunacy," "lunatic" and "insane," as used in this act, shall include every species of insanity and extend to every deranged person, and to all unsound mind other than idiots. The word "oath" includes "affirmation," the word "overseer" means "overseer of the poor," and "county superintendent" means "superintendent of the poor;" the word "asylum" and "institution" means "any State lunatic asylum;" a word denoting the singular number is to include one or many; and every word importing the masculine gender only may extend to and include females.

Certain words and terms used in this act, defined.

TITLE FOURTH.

THE WILLARD ASYLUM FOR THE INSANE.

SECTION 1. There is established in the town of Ovid and county of Seneca, the Willard Asylum for the Insane, under the control of eight trustees. The term of office of said trustees is eight years. The said

trustees and their successors shall be appointed by the Governor by and with the consent of the Senate.

Their rights, privileges, powers and duties. § 2. Said trustees shall have all the rights, privileges and powers, and be subject to the same duties, in said asylum, as are now possessed by and imposed upon the board of managers of the State Lunatic Asylum at Utica, and shall be subject to removal at any time by the Senate upon recommendation of the Governor. Said trustees shall also fix the rate per week, not exceeding the actual cost of support and attendance, exclusive of officers' salaries, for the board of patients. It shall further be the duty of said trustees, as portions of said asylum are completed and ready for the reception of the insane, to designate, in a just and equitable manner, and with the approval of the Governor, the counties from which the chronic pauper insane shall be sent to said asylum, as parts of the room shall be ready, from time to time, for the reception of patients, except as hereinafter provided.

Rate of board. **Counties from which the insane may be sent.** § 3. The managers shall appoint a medical superintendent who shall be a well educated physician of experience in the treatment of the insane, and a treasurer, who shall give bonds for the faithful performance of his trust in such sum and with such sureties, as the Comptroller shall approve. They shall also appoint, in their discretion, and upon the nomination of the medical superintendent, a steward and matron, and four assistant physicians, all of whom and the medical superintendent, shall constantly reside in the asylum or on the premises and such other officers and assistants as may now be allowed by law. They shall also from time to time, with the approval of the Governor, Comptroller and Secretary of State, determine the annual salary and allowances of the before-named officials, the aggregate amount of such salaries not to exceed the sum of ten thousand five hundred dollars in any year.

Trustee to appoint superintendent and treasurer. **Trustees may appoint steward, matron and four assistant physicians, &c.** **Salaries.** § 4. The superintendent, resident officers and treasurer shall be subject to the same duties, and shall have the same rights and powers as are possessed by, and imposed upon, the superintendent, resident officers and treasurer of the State Lunatic Asylum at Utica.

Rights, powers and duties of superintendent, &c. § 5. All town and county officers sending a patient to the asylum shall, upon before sending him, see that he is in a state of perfectly bodily cleanliness, and is comfortably clothed, and provided with suitable changes of raiment as prescribed in the by-laws.

Town and county officers to see that patient is well clothed, &c. § 6. The expenses of clothing and maintaining, in the asylum, a patient who has been received upon the order of any court, or officer, shall be paid by the county from which he was sent to the asylum. The treasurer of said county is authorized and directed to pay to the treasurer of the asylum the bills for such clothing and maintenance, as they shall become due and payable, according to the by-laws of the asylum, upon the order of the steward; and the supervisors of said county shall annually, levy and raise the amount of such bills, and such further sums as will probably cover all similar bills for one year in advance. Said county, however, shall have the right to require any individual, town, city or county that is legally liable for the support of such patient, to reimburse the amount of said bills, with interest from the day of paying the same.

Expenses of clothing, &c., to be paid by county. **County treasurer to pay to treasurer of asylum bills for clothing, &c.** § 7. Every town or county paying for the support of a lunatic in the asylum, or his expenses in going to or from the same, shall have the like rights and remedies to recover the amount of such payments, with interest from the time of paying each bill, as if such expenses had been incurred for the support of the same, at other places, under existing laws.

County to be reimbursed. **Towns and counties, rights and remedies of.**

§ 8. The managers shall receive no compensation for their services, but shall receive their actual and reasonable traveling and other expenses, to be paid on the warrant of the Comptroller, on rendering their accounts. Trustees to receive no compensation.

§ 9. In all purchases for the use of the asylum every voucher shall be taken, duly filled up at the time it is taken, with every abstract of vouchers for money paid, and shall be proof on oath that the voucher was filled up and the money paid therefor at the time the voucher was taken; and the managers shall make all needful rules and regulations to enforce the provisions of this section. Vouchers to be verified, &c.

§ 10. The chronic pauper insane from the poor-houses of the counties that shall be designated, as provided in section two of this article shall be sent to the said asylum by the county superintendents of the poor, and all chronic insane pauper patients who may be discharged not recovered from State lunatic asylums, and who continue a public charge, shall be sent to the asylum for the insane hereby created; and all such patients shall be a charge upon the respective counties from which they are sent. And all the chronic insane paupers of the several counties of the State shall be sent to said asylum by the superintendents of the poor, except from those counties having asylums for the insane, to which they are now authorized to send such insane patients by special legislative enactments, or such counties as have been, or may hereafter be, exempted by the State board of charities. Chronic insane paupers. A charge upon their respective counties.

TITLE FIFTH.

HUDSON RIVER STATE HOSPITAL FOR THE INSANE.

SECTION 1. There is established near the city of Poughkeepsie, the Hudson River State Hospital for the Insane, under the control of nine managers who are appointed by the Senate upon the nomination of the Governor, and hold their offices for six years and until others are appointed in their stead, and subject to be removed at any time by the Senate upon the recommendation of the Governor, and a majority of the said managers shall reside within the county of Dutchess. Managers, number and mode of appointment. Residence.

§ 2. The said managers have the rights and powers, and are subject to the same duties, as are now possessed by and imposed upon the managers of the State Lunatic Asylum at Utica; and the Hudson River State Hospital for the Insane is organized and governed under the laws organizing and governing the State Asylum at Utica, except as may be herein otherwise provided. Rights, powers and duties. Organization and government.

§ 3. The managers shall appoint a medical superintendent, who shall be a well-educated physician of experience in the treatment of the insane, and a treasurer, who shall reside in the city of Poughkeepsie, and give bonds for the faithful performance of his trust in such sum and with such sureties as the Comptroller of the State shall approve. They shall also appoint, at their discretion, and upon the nomination of the medical superintendent, a steward and a matron, and such assistant physicians as the necessity of the hospital shall from time to time require, all of whom and the medical superintendent shall constantly reside in the hospital or on the premises, and shall be designated as the "resident officers." Managers to appoint medical superintendent and treasurer. Other appointments.

§ 4. The managers shall from time to time, with the approval of the Governor, Comptroller and Secretary of State, determine the annual salaries and allowances to the treasurer and resident officers, the aggregate amount of the said salaries not to exceed the sum of twelve thousand dollars for any one year. Salaries.

Notice of
readiness
to receive
patients.

§ 5. As soon as portions of the hospital shall be prepared for the reception of patients, the managers shall cause notice thereof to be published in the State paper and sent to the county clerk, county judge and superintendents of the poor of each of the following counties: Clinton, Essex, Franklin, Warren, Washington, Saratoga, Albany, Rensselaer, Greene, Columbia, Ulster, Dutchess, Orange, Sullivan, Putnam, Rockland, Westchester, New York, Kings, Queens, Suffolk and Richmond. A circular from the medical superintendent shall accompany said notice to each county clerk, county judge and superintendent of the poor, designating the number and class of patients to be received; and when the hospital shall be completed, due notice shall be given as above, so that all patients who may then be in the State Lunatic Asylum at Utica, chargeable to the above-mentioned counties, shall be transferred to the Hudson River State Hospital for the Insane.

Circular
from med-
ical super-
intendent.

Transfer
of patients
from Utica
asylum.

Hudson
River
State Hos-
pital dis-
trict.

Managers
and offi-
cers not to
have in-
terest in
contracts.
Report of
managers.

§ 6. The counties enumerated in the last section shall constitute the Hudson River State Hospital district, and the hospital shall be designated the Hudson River State Hospital.

§ 7. The managers and other officers shall have no interest, direct or indirect, in the furnishing of any building materials, or in any contracts for the same, or in any contracts for labor in the erection of said hospital.

§ 8. It shall be the duty of the managers to make a detailed report of all the moneys received by them, and of the progress which shall have been made in the erection of said buildings, to the Legislature in January of each year, and also to the Comptroller, as often and in such manner as the Comptroller shall or may, from time to time, require.

Plans &c.,
approval
of.

§ 9. The plans and specifications for said hospital shall be upon the basis of accommodating not exceeding five hundred patients at any one time, and shall be approved by the Governor, Comptroller and Secretary of State.

TITLE SIXTH.

THE BUFFALO STATE ASYLUM FOR THE INSANE.

Managers,
number
and ap-
pointment
of.

SECTION 1. There is established, in the city of Buffalo, the Buffalo State Asylum for the Insane, under the control of ten managers appointed by the Governor by and with the consent of the Senate.

Vacancy,
how filled.

§ 2. They shall be subject to be removed at any time by the Senate, upon the recommendation of the Governor. Their successors shall be appointed by the Governor, and shall hold their office for six years, and until others are appointed in their stead, and subject to be removed in the manner aforesaid; and, in case of a vacancy in said board, the Governor shall appoint, in manner aforesaid, to fill the unexpired term.

Managers,
their
rights,
powers
and du-
ties.

§ 3. The said managers have all the rights and powers, and are subject to the same duties, as are now possessed by and imposed upon the managers of the State Lunatic Asylum at Utica; and the Buffalo State Asylum for the Insane shall be organized and governed under the laws organizing and governing the State asylum at Utica, except as may be herein otherwise provided.

Managers
to appoint
medical
superin-
tendent
and trea-
surer.

§ 4. The managers shall appoint a medical superintendent, who shall be a well-educated physician of experience in the treatment of the insane, and a treasurer, who shall reside in the city of Buffalo, and give bonds for the faithful performance of his trust, in such sum and with such sureties as the Comptroller of the State shall approve. They shall also appoint, at their discretion, and upon the nomination of the

medical superintendent, a steward and a matron, and one or more assistant physicians, as the necessities of the hospital shall from time to time require, all of whom, and the medical superintendent, shall constantly reside in the hospital, or on the premises, and shall be designated the resident officers.

Other appointments. Officers to reside in the hospital.

§ 5. The managers shall, from time to time, determine the annual salaries and allowances of the treasurer and resident officers, subject to the approval of the Governor of the State, Secretary of State and the Comptroller; provided that such salaries shall not exceed in the aggregate, ten thousand dollars for any one year.

Salaries.

§ 6. The managers shall procure plans, drawings and specifications for the construction of the hospital and other buildings, and the improvement of the grounds, and shall contract for the erection of the buildings in accordance with such plans and specifications, and on such terms as they may deem proper; provided such plans, drawings, specifications, contracts, and the terms thereof, shall be approved by the Governor, State Engineer and Comptroller; and further provided, that the managers shall not adopt any plans for the hospital or other buildings, nor alter or change the plans adopted, without the assent of the State officers aforesaid.

Plans, drawings, contracts, &c.

Approval.

§ 7. The managers and other officers shall have no interest, direct or indirect, in the furnishing of any building materials, or in any contracts for the same, or in any contracts for labor in the erection of said hospital.

Managers and officers not to have an interest in contracts.

§ 8. It shall be the duty of the managers to make a detailed report of all the moneys received by them, and the progress which shall have been made in the erection of said buildings, to the Legislature in January of each year, and also to the Comptroller, as often and in such manner as the Comptroller shall or may from time to time require.

Report of managers.

§ 9. The plans and specifications for said hospital shall be upon the basis of accommodating not exceeding five hundred patients at any one time.

Basis of plans, &c.

TITLE SEVENTH.

THE STATE HOMOEOPATHIC ASYLUM FOR THE INSANE AT MIDDLETOWN.

SECTION 1. There is established at Middletown, in the county of Orange, a State lunatic asylum for the care and treatment of the insane upon the principles of medicine known as the homoeopathic, by the name of "The State Homoeopathic Asylum for the Insane, at Middletown," under the control of twenty-one trustees, appointed by the Governor by and with the consent of the Senate and shall be adherents of homoeopathy. The trustees shall be subject to removal for cause by the Senate, upon the recommendation of the Governor. The term of office of said trustees is seven years.

Trustees, number and mode of appointment of.

§ 2. The said trustees shall not for their own private advantage or gain, directly or indirectly, deal or trade in buying or selling any goods, wares merchandise other property whatsoever, belonging to, or to be used for the said corporation.

Trustees not to deal, &c.

§ 3. The financial and other business concerns of said asylum are under the direction of said board of trustees, who shall elect from their number at each annual meeting, a president, a vice-president, a secretary and a treasurer, who shall hold their offices for one year, or until their successors shall be elected. Seven of said trustees shall consti-

To have direction of business.

To appoint a president, &c.

Quorum. tute a quorum for the transaction of business, and a majority of the number present at a meeting shall be requisite to make any order in the management of the asylum. All other duties, rights and powers of said trustees shall be the same as those imposed upon the managers of the State Lunatic Asylum at Utica.

Other duties, &c., of trustees. § 4. Any trustee failing to attend the regular meetings of the board for one year may thereupon, at the option of said board, be deemed to have vacated his office, and a successor may be appointed to fill the same.

When trustee deemed to have vacated his office. § 5. The trustees shall hold their annual meeting on the third Thursday in June, at the asylum, to receive reports of their officers as to the business and affairs of said corporation, and to transact such other business as may be deemed necessary.

Annual meeting of trustees. § 6. The board of trustees of said asylum shall have power to make, constitute, ordain and establish, from time to time, such by-laws, rules and regulations as they shall deem proper for transacting, managing and directing the affairs of said asylum; provided, that such by-laws, rules and regulations do not conflict with this act, or with the Constitution and laws of this State or of the United States.

By-laws, &c. § 7. The board of trustees may appoint a superintending homoeopathic physician and assistant physicians, and such other officers and agents of the said corporation as they shall deem necessary, who shall respectively hold and perform the duties pertaining to their offices and agencies during the pleasure of said board, and the said board shall, from time to time, fix the salaries of such superintending physicians, assistant physicians, officers and agents. But the annual salaries of the superintendent, assistant physicians, treasurer, steward and matron shall be approved by the Governor, Secretary of State and Comptroller; provided that such salaries shall not exceed in the aggregate eight thousand dollars for any one year.

Board of trustees may appoint superintending physician, &c. § 8. The charges to be made by the said asylum for the care and treatment of patients shall be such sum only as shall, in the aggregate, be sufficient to defray the current expenses of said asylum.

Salaries. § 9. The expenditure of all money appropriated by the State for the erection of said asylum, together with all amounts derived or received from other sources, shall be fully and duly accounted for to the Comptroller.

Approval thereof. § 10. The treasurer of said asylum shall give bonds for the faithful performance of his trust in such sum and with such sureties as the Comptroller of the State shall approve.

Charges for care, &c., of patients.

Bond of treasurer.

TITLE EIGHTH.

THE STATE LUNATIC ASYLUM FOR INSANE CRIMINALS.

Location. SECTION 1. The building erected on the prison grounds at Auburn, for an asylum, is known and designated as the State Lunatic Asylum for Insane Criminals at Auburn.

Inspectors of state prisons to appoint medical superintendent. § 2. The Inspectors of State Prisons shall appoint a medical superintendent for said asylum, who shall be a well educated physician of experience in the treatment of the insane who shall, under the direction of the said Inspectors, have charge of said asylum, and shall make all the purchases for the support of said asylum, and shall account for all moneys coming to his hand in the same manner as the agent and warden of any of the State prisons are now required by law to account.

To reside in the building. § 3. The said medical superintendent shall reside in the building, and shall devote all the time necessary to the care and treatment of those

confined therein for treatment. He shall receive a salary of one thousand dollars per annum, payable monthly, and shall be allowed rations for himself and family, and all necessary fuel and lights for warming and lighting his rooms in said building.

His salary.

§ 4. The other officers in said asylum shall be an assistant superintendent, and not exceeding ten attendants for the male department, and four female attendants for the female department, who shall be recommended by the medical superintendent, and, if approved of by the board of inspectors of State Prisons, shall be appointed as such by said board of inspectors, and shall be paid as follows: The assistant superintendent shall receive thirty dollars per month, payable monthly, and shall also be boarded in and at the expense of said asylum; and the said attendants shall each receive twenty dollars per month and be boarded in said asylum.

Other officers, how appointed.

Compensation.

§ 5. The Inspectors of State prisons shall cause any female convict in the State prison at Sing Sing, who now is or may hereafter become insane, to be removed to and retained in the female department of the State Lunatic Asylum for Insane Criminals in the manner provided, and subject to the provisions of the above-mentioned act. And all the provisions of said act shall apply to the cases of convicts so removed, except that whenever any such female convict shall have become restored to reason she shall be transferred to and again received into the female State prison at Sing Sing.

Insane female convicts at Sing Sing, to be removed, &c.

§ 6. The medical superintendent shall file in the office of the Comptroller of this State a bond, in the penal sum of ten thousand dollars, conditioned for the faithful performance of his duty as such, which bond, before it shall be filed, shall be approved by the board of inspectors: and no such medical superintendent shall enter upon the discharge of the duties of said office till such bond so approved shall have been duly filed as aforesaid.

Bond of medical superintendent.

§ 7. The superintendent shall estimate monthly, as is now provided by law, and subject to the same restrictions and conditions as in the case of agents and wardens of the state prisons, for all the moneys necessary for the support and maintenance of said asylum; which estimate shall be submitted to and carefully examined by the inspector in charge of the said Auburn prison, who, if he is satisfied that the said estimate is correct, and that the articles named in said estimate are actually needed for the support and maintenance of said asylum, shall certify the same; and on the production of said estimate, so certified, to the Comptroller, he shall draw his warrant on the Treasurer for the amount of said estimate, and the Treasurer shall pay the amount of said warrant out of any money in the treasury appropriated for the support of the State prisons.

Superintendent to make monthly estimates.

Inspectors to examine and certify same.

Comptroller's warrant.

§ 8. The Inspector of State Prisons shall adopt such rules and regulations, from time to time, as they shall deem proper for the control and management of the said asylum, and shall have power to remove any and all the officers in said asylum for cause, and shall enter such cause in full on the minutes of their proceedings at the asylum. And no officer removed by the said inspectors, for cause shall be re-appointed to any position in said asylum.

Rules and regulations.

§ 9. Whenever the physician of either of the State prisons of this State shall certify to the board of inspectors, or to the inspector in charge, that any convict confined therein is insane, it shall be the duty of such board, or of such inspector in charge, to make, immediately, a full examination into the condition of such convict, and if satisfied that he is insane the said board of inspectors, or the inspector in charge,

When inspectors to examine into condition of convicts.

May order
convicts
to be con-
veyed to
asylum.

may order the agent or warden of the prison where such convict is confined forthwith to convey said convict to the State Lunatic Asylum for Insane Criminals, and to deliver him to the superintendent thereof, who is hereby required to receive him into the said asylum and retain him there until legally discharged.

Disposi-
tion of
convicts
remaining
insane at
the expi-
ration of
sentence.

§ 10. Whenever any convict in the State Lunatic Asylum for Insane Criminals, under and by virtue of the provisions of this act, shall continue to be insane at the expiration of that term for which he was sentenced, the board of inspectors, upon the superintendent's certificate that he is harmless and will probably continue so, and that he is not likely to be improved by further treatment in the asylum, or upon a like certificate that he is manifestly incurable, and can probably be rendered comfortable at the county almshouse, may cause such insane convict to be removed, at the expense of the State, from said asylum, to the county wherein he was convicted, or to the county of his former residence, and delivered to and placed under the care of the superintendent of the poor of such county, and the said superintendent is hereby required to receive such insane convict under his charge; they may also discharge and deliver any convict whose sentence has expired, and who is still insane, to his relatives or friends, who will undertake with good sureties, to be approved by said superintendent of the State Lunatic Asylum, for Insane Criminals, for his peaceful behavior, safe custody and comfortable maintenance without further public charge; and no convict shall be retained in the said State Lunatic Asylum for Insane Criminals after the expiration of his sentence to the State prison, unless by the order of the county judge of the county in which said asylum is situated; and the said county judge, upon the application of the said superintendent, shall proceed to investigate the question of the insanity of such convict, and shall cause two respectable physicians, to be designated by him, to examine said convict, and upon their evidence, under oath, and upon such other testimony as he shall require, shall decide the case as to his insanity; and, if he is satisfied that such convict is insane, shall make an order that the said convict shall be retained in the said asylum until he is recovered of his insanity, or is otherwise discharged according to law; and the fees of such physicians and witnesses shall be audited by the State Prison Inspector in charge and shall be a charge against the State, to be paid by the Comptroller out of the general fund; but such fees shall not in any one case exceed the sum of ten dollars.

Convict
not to re-
main at
asylum
after expi-
ration of
sentence,
unless by
order of
county
judge.

Fees for
physi-
cians
and wit-
nesses.

When
convict to
be trans-
ferred to
state pri-
son.

§ 11. Whenever any convict, who shall have been confined in the said asylum as a lunatic, shall have become restored to reason, and the medical superintendent of said asylum shall so certify in writing, he shall be forthwith transferred to the Auburn State Prison, and the agent and warden of said prison shall receive the said convict into the said prison, and shall in all respects treat such convict as if he had been originally sentenced to imprisonment in said prison, though said convict may have been conveyed to the said asylum from either of the other prisons of this State.

Certificate
of convic-
tion.

§ 12. Whenever the Inspectors of State prisons shall order any convict to be transferred to the asylum for insane criminals, the agent and warden of the prison from which such convict is transferred shall cause a correct copy of the original certificate of conviction of said convict to be filed in his office, and shall deliver the original certificate to the superintendent of the asylum; and when any such convict shall be transferred to the Auburn prison from such asylum, as hereinbefore provided, the said superintendent shall deliver to the agent and warden

of said prison such original certificate, which shall be filed in the clerk's office in said prison.

§ 13. The physician who shall attend any meeting of the board of Inspectors of State Prisons, or who shall make any examinations of any convict, as hereinbefore provided, shall be paid his actual and reasonable traveling expenses in going to and returning from such examination or meeting, on the certificate of the president of the board of Inspectors of State Prisons that he has attended such meeting or examination.

§ 14. The superintendent is hereby authorized to recover for the support of any patient therein chargeable under the law to either counties or penitentiaries, in an action to be brought in said superintendent's name as superintendent of the State Lunatic Asylum for Insane Criminals, and which shall not abate by his death or removal against the county or penitentiary for the maintenance of the said patient, and in which action the complaint may be in a general indebitatus assumpsit; and judgment shall be rendered for such sum as shall be found due, with interest, from the time of the demand made.

Superintendent may recover for support in action in his official name.
Complaint.
Interest.

TITLE NINTH.

LICENSES FOR PRIVATE ASYLUMS.

SECTION 1. No person or association shall establish or keep an asylum, institution, house or retreat for the care, custody or treatment of the insane or persons of unsound mind, for compensation or hire, without first obtaining a license therefor from the State Commissioner in Lunacy; provided that this section shall not apply to any State asylum or institution, or any asylum or institution established or conducted by any county; and provided, also, that it shall not apply to cases where an insane person or person of unsound mind is detained and treated at his own house or that of some relative.

§ 2. Every application for such license shall be accompanied by a plan of the premises proposed to be occupied, describing the capacities of the buildings for the uses intended, the extent and location of grounds appurtenant thereto, and the number of patients of either sex proposed to be received therein; and it shall not be lawful for said Commissioner to grant any such license without having first visited the premises proposed to be licensed, and being satisfied by such examination that they are as described, and are otherwise fit and suitable for the purposes for which they are designed to be used.

No private asylum to be established without license therefor.
Proviso.
Application for license.
Commissioner to visit premises before granting license, &c.

TITLE TENTH.

STATE COMMISSIONER IN LUNACY.

SECTION 1. The Governor shall nominate, and by and with the advice and consent of the Senate, appoint an experienced and competent physician, who shall be designated as the State Commissioner in Lunacy, who shall hold his office for five years and receive an annual salary of four thousand dollars, and traveling and other incidental expenses not to exceed one thousand dollars, to be paid on presentation of vouchers to the Comptroller.

§ 2. It shall be the duty of such Commissioner to examine into and report annually to the Legislature on or before the fifth day of January the condition of the insane and idiotic in this State, and the management and conduct of the asylums, public and private, and other institutions for their care and treatment. The duties of said Commissioner

State commissioner in lunacy.
His duties.

How performed. in regard to the insane shall be performed, so as not to prejudice the established and reasonable regulations of such asylums and institutions aforesaid; and it shall be the duty of the officers and others respectively in charge thereof, to give such Commissioner, at all times, free access to and full information concerning the insane, and their treatment therein.

To report result of treatment. It shall also be the duty of such Commissioner to inquire and report, from time to time, as far as he may be able, the results of the treatment of the insane of other States and countries, together with such particulars pertaining thereto as he may deem proper.

Official seal. § 3. The said Commissioner shall have power to make and use an official seal, and all copies of papers and documents in his possession and custody may be authenticated in the usual form under his official seal and signature, and used as evidence in all courts and places in this State, in like manner as similar certificates emanating from any other public officer.

Copies of papers, &c., how authenticated.

His powers and duties in cases where person is wrongfully deprived of his liberty, &c., in any asylum. § 4. The said commissioner is hereby empowered to issue compulsory process for the attendance of witnesses and the production of papers, to administer oaths and to examine persons under oath, in all cases where, from evidence laid before him, there is reason to believe that any person is wrongfully deprived of his liberty, or is cruelly, negligently or improperly treated in any asylum, institution or establishment, public or private, for the custody of the insane; and if the same shall be proved to his satisfaction, it shall be his duty to report the facts, together with his conclusions thereon, to a justice of the Supreme Court who shall thereupon grant the necessary relief.

Keepers of county poor-houses, &c., report annually to commissioner of lunacy. § 5. The superintendent or keeper of every county poor-house, city almshouse or other asylum where insane paupers are kept, shall, on or before the fifteenth day of November, in each and every year, report to the State Commissioner in Lunacy the numbers of male and female insane, idiots and epileptics in his custody on the first day of November last past, together with a statistical exhibit of the number of admissions, discharges and deaths that have occurred within the past year among that class of persons, and the average weekly cost of their maintenance. He shall also state the actual condition of those discharged and the causes of death in those dying within the institution.

Penalty for neglect. § 6. Any superintendent or keeper of a county poor-house, city almshouse or other asylum where insane paupers are kept, who shall neglect to report as above recited shall be guilty of a misdemeanor, and on conviction be subject to a fine of not less than fifty dollars nor more than two hundred and fifty dollars, and it shall be the duty of the district attorney of the proper county to proceed against such offenders according to law.

TITLE ELEVENTH.

GENERAL PROVISIONS.

Term or tenure of office not affected. SECTION 1. Nothing in this act shall be construed to affect either the term or tenure of office of any manager or board of managers, or of any superintendent or resident officers of any State asylum, who may now be in office.

Repeal. § 2. All laws, or parts of laws, inconsistent with or repugnant to the provisions of this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 447.

AN ACT to further amend an act entitled "An act to incorporate the Real Estate Trust Company of the city of New York," passed April fourteenth, one thousand eight hundred and seventy-one, passed May twenty-first, one thousand eight hundred and seventy-two, passed May twenty-eighth one thousand eight hundred and seventy-three.

Passed May 12, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The fifth section of an act entitled "An act to incorporate the Real Estate Trust Company of the city of New York," passed April fourteenth, one thousand eight hundred and seventy-one, is hereby further amended by adding at the end thereof, as follows: To accept and execute all such trusts of every description, not inconsistent with the laws of this State, as may be committed to them by any corporation, or by order of the Supreme Court, or by a surrogate, or by any of the courts of record of this State, and to act as agent for the purpose of issuing, registering or countersigning the certificates of stock, bonds or other evidences of debt of any corporation, association municipality, State or public authority, on such terms as may be agreed upon.

§ 2. This act shall take effect immediately.

Chap. 448.

AN ACT for the relief of the Park Avenue railroad company in the city of Brooklyn, and to authorize the extension of its tracks through certain streets and avenues in said city.

Passed May 12, 1874.*

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Park Avenue railroad company, in the city of Brooklyn, are hereby authorized to construct, maintain and operate an extension of their railroad in, through, and upon the following streets and avenues in the city of Brooklyn, namely: Connecting with their present railroad at the junction of Park avenue and Vanderbilt avenue, through said Park avenue to Broadway; also connecting with their present railroad in Concord street, through Concord street to Washington street, through Washington street to Front street, through Front street to Fulton street, through Fulton street to the Fulton ferry, and from the Fulton ferry through Water street to Washington street, and through Washington street to Front street, together with the necessary connections, stands, switches, sidings, curves, turn-tables and turn-outs for the proper and convenient working and operation of their railroad and the extension herein provided for.

* Certified by the presiding officer of the Senate, as having passed the Senate, "three-fifths being present."

Use of
other rail-
road
tracks au-
thorized.

Compensation
therefor.

Consolidation
with other com-
pany.

Organiza-
tion of new
company,
how to be
formed.

New com-
pany may
construct
parts of
the roads
not con-
structed
already,
&c.

§ 2. In the construction, operation or use of such railroad upon the route or routes herein designated, should said company deem it necessary or proper to run upon, along, and over, or intersect or use any portion of any other railroad tracks now laid upon any of the streets or avenues above named, they are hereby authorized to run upon, along and over, and intersect and use the same, and in case they cannot agree with the owner or owners thereof respecting the compensation or payment to be made therefor, then the amount of such compensation or payment shall be ascertained and determined in the manner provided in subdivision six of the twenty-eighth section of the act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty.

§ 3. The said Park Avenue Railroad Company may negotiate, agree upon, effect and establish a consolidation with any company or corporation now having the right to run and operate a railroad in and through any of the streets and avenues or highways in the county of Kings, upon such terms and conditions as may be determined upon by shareholders holding at least two-thirds in amount of the capital stock of each of said companies or corporations; such consolidation shall provide for the organization of a new company to be formed under and pursuant to chapter one hundred and forty of the laws of eighteen hundred and fifty, and of the several acts amendatory thereof or supplementary thereto, which said new company shall be composed of the stockholders of said companies parties to such act of consolidation and their associates and assigns; and such new company when organized and the certificate thereof filed in the office of Secretary of State shall have the right to lay and construct such parts of the roads as are not already constructed, and to maintain and operate the whole road upon the route or routes of each of said companies so consolidating, and all the rights, franchises, powers, privileges, benefits and property of the said companies or corporations so consolidating shall be vested in and possessed, and enjoyed by said new company, subject nevertheless to all the incumbrances and liabilities of said companies so consolidating.

§ 4. This act shall take effect immediately.

Chap. 449.

AN ACT to provide for the extension of Ocean avenue, in the county of Kings, to the Atlantic ocean.

Passed May 12, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Extension
of avenue
authoriz-
ed.

Draw-
bridge,
width
thereof.

Public
highway.

SECTION 1. Austin Corbin of the city of Brooklyn, as the owner of lands to be benefited thereby, is hereby authorized, at his own expense, to extend Ocean avenue, from its present southerly terminus at Sheepshead bay southerly to the Atlantic ocean, and for that purpose to build a drawbridge (having a draw of not less clear width than the draw in the Coney Island Road and Bridge Company's bridge) over the channel of said Sheepshead Bay, and to fill in and bulkhead or bridge said road or avenue across said bay from said bridge to high water mark on each side thereof, and upon the completion of said road or extension and bridge to control the same, and to employ a suitable person to attend to such draw. Such road is hereby declared to be a public highway.

§ 2. This act shall take effect immediately.

Chap. 450.

AN ACT to provide for the collection of money expended for the improvement of the Gowanus canal in the city of Brooklyn, and to confirm certain assessments heretofore laid therefor.

Passed May 12, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All that portion of the moneys heretofore expended or advanced by the city of Brooklyn, whether for principal or interest (except as hereinafter provided to be deducted), under or in pursuance of an act of the Legislature, passed April nineteenth, eighteen hundred and sixty-six, entitled An act to improve the Gowanus canal in the city of Brooklyn and the various acts amendatory thereof and supplemental thereto, which, in the year eighteen hundred and seventy-two was assessed or apportioned by the board of assessors of said city upon and within the district of assessment fixed by the said act, described as follows: "The property fronting on said canal and extending two hundred feet back from the line of said canal, and on docks or land fronting on the water lines in Gowanus bay beyond the mouth of the canal to the bar at or near Percival street and extending two hundred feet back from the water lines or fronts of said last mentioned docks or land," reference not being intended to be hereby had to the sub-district thereby fixed, to bear the expense of docking the sides of said canal, which said district is not intended to be hereby charged, is made a lien and assessment on the aforesaid district fixed by the said act, but nothing in this act contained shall be construed to make any lot or parcel of land liable for any sum, except for the sum apportioned, assessed or levied, or to be apportioned, assessed or levied thereon as herein stated or provided.

Certain money expended by the city of Brooklyn made a lien.

§ 2. All assessments, or sums assessed, which have been heretofore laid, or levied, for said improvement, either by the board of assessors of said city, or by the supervisors of the county of Kings, or by both said bodies, upon any property, whether lands or water below, or in any manner outside of or beyond said district, are hereby vacated and declared void.

Assessments vacated.

§ 3. Each of the several sums heretofore, and in the year eighteen hundred and seventy-two, assessed, apportioned or levied, on the several pieces or parcels of land in said district, except as hereinafter provided to be deducted, are hereby levied and confirmed as a tax on said several pieces or parcels of land, respectively, and the action of the board of supervisors of the county of Kings in levying a portion of said sums in the year eighteen hundred and seventy-two, and a further portion of said sums in the year eighteen hundred and seventy-three, is hereby confirmed and made valid.

Certain assessments confirmed.

§ 4. The board of assessors of the city of Brooklyn are hereby authorized and directed to ascertain, determine and thereupon deduct from the amount heretofore apportioned and assessed on said district first fixed, the amount of the cost and expense incurred by the said city for the dredging and docking done in front of those of the public streets which are now open to said canal and used by the public, and situated above Percival street; and such deduction shall be made pro

Deduction to be made and how.

Board of supervisors to add to tax.

rata from that portion of the said assessment already laid on said district which has not been heretofore levied by the board of supervisors of said county; and the said board of supervisors in levying the annual taxes in the year eighteen hundred and seventy-four, and in each year thereafter for seventeen years, shall add to the tax or charge that otherwise would be laid on each of the lots in said district one-eighteenth part of the sum not already levied by said board which (after making the deductions last hereinbefore provided for) remains a charge on each of said lots as aforesaid, together with interest on the installments so levied from the time the said assessment was laid in the year eighteen hundred and seventy-two; such sums so added for each lot in each year shall be levied on that lot along with the annual taxes for that year, and all laws relative to the levying or collection of taxes in said city shall apply to each of the sums so added in each year to the tax for each lot.

Such taxes, how to be levied.

§ 5. Such taxes shall, however, be so levied as to show, in separate columns, the sum levied on each lot as a part of the general tax, and also the sum so levied on each lot for the purposes of said improvement, together with the aggregate sum or amount of the two sums aforesaid.

Lateral canals, assessment therefor.

§ 6. In case lateral canals intersecting said canal have been made or streets intersecting said canal have been closed or stricken from the commissioners' map of said city since the year eighteen hundred and sixty-six, the board of assessors of said city are hereby authorized to assess on the portions thereof lying in said district of assessment, a sum not exceeding the relative benefit derived by the property there situate, and not exceeding in amount the reductions in said assessment as provided in this act to be made.

To be collected in installments.

§ 7. Such assessment on lateral canals or streets shall be collected in eighteen annual installments, in the same manner, and with interest, as provided for the collection of the other assessment in and by the fourth section of this act.

§ 8. Nothing in this act contained shall prevent the said city from hereafter laying an assessment on the property adjacent the said canal below Percival street, and as far as Cuba street and Twenty-first street, not exceeding in amount the sum heretofore there assessed and not hereby provided for.

§ 9. This act shall take effect immediately.

Chap. 451.

AN ACT to amend the several acts in relation to State prisons.

Passed May 12, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION. 1. Subdivision one of section thirty-four of chapter four hundred and sixty of the laws of eighteen hundred and forty-seven is hereby amended so as to read as follows:

Inspectors to visit jointly each of the state prisons.

1. To visit jointly each of the State prisons that now are or may hereafter be established in this State, at least three times in each year, and in addition the president of the board of Inspectors shall call a joint meeting whenever requested to do so by two of the Inspectors, at such prison or prisons as they may designate.

§ 2. Subdivision fifteen of section thirty-four of chapter four hundred and sixty of the laws of eighteen hundred and forty-seven is hereby amended so as to read as follows:

15. At either of the prisons where manufacturing is carried on by the State, the inspectors shall appoint, as far as possible, keepers qualified to teach the convicts in the trades and manufactures thus prosecuted in such prisons, and to be inclusive with the number of keepers such prison may be entitled to by existing laws.

Appoint-
ment of
teachers.

§ 3. Subdivision ten of section forty-eight of chapter four hundred and sixty of the laws of eighteen hundred and forty-seven is hereby amended so as to read as follows:

10. To furnish to each convict who shall be discharged from prison, by pardon or otherwise, necessary clothing, not exceeding twelve dollars in value (between the first day of November and the first day of April, clothing not to exceed eighteen dollars may be given), and a sum of money not exceeding upon an average over five dollars, as the agents and wardens may deem proper and necessary, at each of said prisons, and the sum of four cents for each mile for which it may be necessary for such convict to travel to reach the place of his residence, and if he has no residence within this State, to the place of his conviction; but at Clinton prison the mileage shall be five cents per mile as aforesaid.

Discharg-
ed con-
victs to
be furn-
ished
with
clothing
and mon-
ey.

§ 4. Section sixty-one of the same chapter is hereby amended so as to read as follows:

§ 61. Four instructors shall be employed by the inspectors for each of the prisons at Sing Sing and Auburn, and two for the Clinton prison; it shall be the duty of such instructors, in conjunction with, and under the supervision of the chaplain and inspector in charge, to give instruction in the useful branches of an English education, to such convicts as in the judgment of the chaplain may require the same and be benefited thereby; such instruction shall be given for not less than one hour and a half daily (Sunday excepted), between the hours of six and nine in the evening, in such room or rooms as may be provided for that purpose.

Instruct-
ors for
prisons,
their du-
ties.

§ 5. Section sixty-nine of same chapter is hereby amended so as to read as follows:

§ 69. The agents and wardens and other officers, and the guards of the respective prisons, shall support themselves from their own salaries and resources, and shall not receive any perquisites or emoluments for their services other than the compensation provided for by law, except that the agents and wardens, physicians and chaplains shall keep their offices at the respective prisons, and that the agent and warden shall reside therein; they shall all be furnished with the fuel for their offices, and lights, and the house for the agent and wardens shall be furnished with household furniture and provided with the necessary fuel and lights for themselves and families; and from the stock provided for the prison, the agent and warden shall furnish fuel for the barracks of the guards.

Agents,
&c., to
support
them-
selves,
and not
to receive
perquis-
ites, &c.
Fuel and
lights.
House for
agent and
wardens
to be fur-
nished,
&c.

§ 6. Section seventy-four of the same chapter is hereby amended so as to read as follows:

§ 74. No inspector, agent and warden, matron, or other officer of either of the prisons of this State, shall employ the labor of any convict or other person employed in such prison, or any work in which such inspector, agent and warden, matron, or other officer shall be interested, except that the agent and warden of each prison and the matron of the female prison shall each be entitled to two convict servants and a convict gardener, and to be fed from rations drawn from prisons stores, but

Inspector,
agent, &c.,
not to em-
ploy labor
of convict,
&c.
Excep-
tions.

of the same quality and quantity as is allowed to other convicts in their respective prisons.

§ 7. Section twelve of chapter three hundred and ninety-nine of the laws of eighteen hundred and sixty is hereby amended so as to read as follows:

§ 12. Section nine of chapter two hundred and forty of the laws of eighteen hundred and fifty-four is hereby amended so as to read as follows:

<p>Contract for labor of convicts for term of more than one year, resolutions of the board upon the subject.</p>	<p>§ 9. Whenever the board of inspectors shall deem it expedient and proper for the agent and warden of either of the prisons to enter into any contract for the labor and services of convicts for a term of more than one year, it shall be the duty of said board to pass a resolution to that effect, specifying the number of convicts whose labor and services are to be let; the prison in which they are confined; the business at which they are to be employed; the number of years for which their labor and services are to be let; the time the contracts shall commence; the shop-room, yard-room, store-room, hydraulic or steam power, machinery and other facilities, if any there be, for the business, which will be furnished with the labor and services to be let; directing the warden to advertise for sealed proposals in the State paper, in one newspaper published in the county where said prison is located, and in one newspaper published in not to exceed eight of the cities of this State. Upon the passage of any such resolution and serving a copy thereof upon the agent and warden, that officer shall proceed at once to execute it, by preparing and publishing for the period of twenty days next preceding the time fixed for opening such proposals, the notice required in the manner above provided, and by preparing a duplicate form of the contract to be entered into, with the date, amount of compensation per day, and names of contractors and their sureties, in blank, to be approved by the inspectors or a majority of them, a copy whereof shall be deposited with the clerk of the prison at which such convict labor is to be let, for the inspection of all persons desirous of proposing therefor, for at least the period of twenty days prior to the time fixed in such notice for opening such proposals. The agent and warden shall receive and preserve unopened all the sealed proposals for the said labor and services, which shall be delivered to or received by him up to the day and hour mentioned in his published notice and no longer, and shall thereupon, or as soon thereafter as the board of inspectors shall convene, lay said proposals before the board of inspectors, who shall proceed publicly at once to open and canvass such of them as shall be substantially in the form prescribed in the published notice of the agent and warden, and as shall be accompanied by an offer to enter into the contract for the labor of such convicts, prepared as aforesaid with the names of the bidders and the price per day for the labor and services of the convicts which he or they propose to pay, with the names also of at least two sufficient sureties, accompanied by their written consent to become sureties in such contract, and shall award the contract for such labor and services to the person or persons who shall be found to be, by said canvass, the highest bidder or bidders therefor. The board shall thereupon direct the agent and warden to fill up the blanks in such contract pursuant to such proposal, and execute the same with such bidder or bidders, which contract, when so filled up and signed, and approved by the inspectors or a majority of them as to the sufficiency of the sureties therein, shall be a valid contract in law between the parties thereto and their sureties; provided, however, that no such contract shall be executed by said agent and warden of either prison, which shall contain any stipulation on the</p>
<p>Direction to advertise.</p>	
<p>Warden, his duties.</p>	
<p>Notice.</p>	
<p>Sealed proposals.</p>	
<p>Award of contract.</p>	
<p>Execution of contract.</p>	
<p>Approval.</p>	
<p>Proviso.</p>	

part of the agent and warden to accept any less than full contract price (which shall be the price per day only) for the labor and services of any of the convicts referred to in said contract, or that the said convicts shall execute any specific amount of labor per day, per month or year, or that they shall have or possess any particular degree of skill in the trade or business at which they are to be employed, or that the contractor or contractors shall have any accommodations or facilities for business or privileges which were not specified in the contract so prepared as aforesaid, or that the agent and warden shall maintain any particular kind, standard or quality of discipline in said prison over said convicts during the time they shall be employed under said contract; and provided, further, that no such contract shall be awarded by the agent and warden or be valid in law if it run for a longer time than five years from the time when it is by its terms to commence, and if it shall not contain a stipulation on the part of the contractor or contractors to pay the contract price for the labor and services therein specified, monthly, on the first day of each month, to the agent and warden, at his office at the prison, and that the agent and warden may, by and with the consent of the board of Inspectors or a majority of them, annul the said contract and declare it void, if said contractor or contractors shall at any time neglect or refuse to make the monthly payments within ten days from the time they shall respectively fall due; and every such contract shall likewise contain a stipulation that the State will not be held responsible for any loss sustained by fire on the part of any contractor or contractors. In case any bidder or bidders to whom any contract may be awarded shall refuse, or shall, for twenty-four hours after any such award shall be made to him or them, neglect to execute such contract, with at least two sufficient sureties, to be approved by said inspectors or a majority of them; and every bidder to whom such contract shall be so awarded, and who shall refuse or neglect as aforesaid to execute such contract, shall pay to the agent and warden, and his successor in office, as stipulated damages for such refusal or neglect, a sum equal to the difference between the aggregate of earnings of the number of convicts specified in such contract, at the price per day named in the proposal of such bidder, for the term of such contract, and the aggregate of earnings of such number of convicts at the price per day at which the same shall be finally awarded; and such agent and warden shall have an immediate right of action against such bidder so neglecting or refusing, and his proposed sureties, for the recovery of such damages, and unless the same shall be paid within thirty days after personal demand thereof of such bidder, the agent and warden shall forthwith bring suit for the recovery thereof. If, upon opening such proposals, the said inspectors, with the assent of the agent, shall deem it for the interest of the State not to award said contract to any such bidders, they may reject all of said proposals and re-advertise the same; and if, after awarding such contract to any bidder or bidders who shall have refused or neglected to enter into such contract, the said inspectors shall not deem it for the interest of the State to award the same to any person bidding a lower rate of compensation, they may reject all lower bids and re-advertise; and any bidder whose proposal shall have been accepted by the inspectors, and who shall have refused to enter into such contract, shall be liable to said agent and warden for the expenses of such re-advertisements, in addition to the damages by reason of such refusal or neglect, to be computed as hereinbefore provided. To every proposal for convict labor shall be annexed a justification of the sureties in an amount in the aggregate

Further
proviso.

Stipula-
tion as to
loss by
fire.

Damages
for refusal
to execute
contract.

Right of
action
against
bidders.

Inspectors
may reject
proposals
and re-ad-
vertise.

Expense
of re-ad-
vertising.

Justifica-
tion of
sureties.

not less than the sum of five thousand dollars over and above all debts and liabilities, and property exempt from levy and sale on execution.

§ 8. Section nine of the same chapter is hereby amended so as to read as follows:

Officers
for each
prison to
be ap-
pointed by
inspect-
ors.

§ 9. The Inspectors shall appoint to each of the State prisons the following officers: An agent and warden, a principal keeper, a chaplain, a clerk, a physician and surgeon, and a yard keeper; a matron for the female prison at Sing Sing, who shall be a widow or unmarried woman; a store-keeper for each of the prisons at Sing Sing and Auburn, and one kitchen-keeper at each prison, and who at Clinton prison shall perform the duties of store-keeper; and so many keepers at Sing Sing as not to exceed the proportion of one to twenty-seven convicts, exclusive of the yard-keeper for the male prison, and assistant matrons, not to exceed the proportion of one to twenty-five convicts; at Auburn prison, the number of keepers shall not exceed the proportion of one to twenty-eight convicts; at Clinton prison, the number of keepers shall not exceed the proportion of one to every thirty convicts.

§ 9. Section sixty-four of chapter four hundred and sixty of the laws of eighteen hundred and forty-seven, is hereby amended so as to read as follows:

Guards
at each
prison.

§ 64. There shall continue to be maintained at each State prison a guard, to be appointed by the inspectors, to consist of one sergeant and so many privates as the inspectors may from time to time direct, but the guard at Sing Sing, including the sergeant, shall not exceed forty-two in number; the guard at Auburn, including the sergeant, shall not exceed the number of twenty-two; and at Clinton, between the first day of November and the first day of April, shall not exceed the number of twenty-eight, and from the first day of April until November, the number shall not exceed twenty-nine; but at each prison the sergeant of the guard shall be included in the number.

Escaped
convict.

§ 10. Section seven of chapter three hundred and ninety-nine of the laws of eighteen hundred and sixty, is hereby amended by adding thereto the following: Any convict escaping from any State prison or penitentiary in this State, and afterwards arrested, shall serve out the full balance of his then sentence, notwithstanding the time may have expired, as if he had remained in prison, and shall lose all the benefits of the commutation he may have earned by good conduct prior to said escape, unless pardoned by the Governor previous to, or after his re-arrest.

Removal
of con-
victs.

§ 11. In addition to the power now granted to the board of inspectors of State prisons authorizing them to remove convicts from one State prison to another, the said board are authorized to remove any convict or convicts from the prison where he or they are confined to either of the other prisons, when in the judgment of said board the interests of the State or the health or improvement of the convict or convicts demand it, or when it is otherwise material, or in furtherance of justice.

Hours of
labor.

§ 12. It shall be the duty of the agent and warden of the several State prisons of this State to require of all able-bodied convicts therein an equal number of faithful hours' labor during such hours as the inspector shall designate, and each convict in good faith performing such day's work and being in all respects obedient to the rules and regulations of the prison, or if not able to work, but is faithful and obedient, each shall be allowed "two months" on each of the first two years; "four months" on each succeeding year to the fifth year, and "five months" to each remaining year of the term of his imprisonment; and provided further

Commuta-
tion of
time.

commutation of time earned by a convict for good conduct shall be wholly forfeited up to the time he commits any of the offenses mentioned in section two of chapter four hundred and fifteen of the laws of eighteen hundred and sixty-three, or commits any other act that would amount by law to a misdemeanor; and the name of no convict who has escaped or attempted to escape shall be sent to the Governor for the commutation of any part of his sentence by prison officials. Forfeiture thereof.

§ 13. All acts and parts of acts inconsistent with this act are hereby Repealed.

§ 14. This act shall take effect immediately.

Chap. 452.

AN ACT re-appropriating certain moneys to the State Homœopathic Asylum for the Insane, at Middletown, New York.

Passed May 12, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The State Homœopathic Asylum for the Insane, at Middletown, shall be entitled to receive and shall receive from the Treasurer of this State of the unexpended balance of moneys authorized, by an act entitled "An act to amend an act entitled 'An act to establish a homœopathic asylum for the insane at Middletown, New York,'" passed March thirty-first, eighteen hundred and seventy-one, and again re-appropriated in "An act making appropriations for certain expenses of government, and for supplying deficiencies in former appropriations," passed May fifteenth, eighteen hundred and seventy-two, the sum of fifty-five thousand three hundred and sixty-eight dollars and eighty-nine cents, which said sum of fifty-four* thousand four hundred and fifty-eight dollars and eighty-nine cents, is hereby re-appropriated to the State Homœopathic Asylum for the Insane, at Middletown, New York, to be used for the following purposes, namely: Forty thousand nine hundred and fifteen dollars and seventy-nine cents thereof, for the payment of the debt incurred and now outstanding for the construction of said asylum, specified in schedule three of the special report made to the Senate by the trustees of said asylum, April first, eighteen hundred and seventy-four; for laundry apparatus, three thousand five hundred dollars; for extension of railroad switch and construction of coal house and bins, one thousand five hundred dollars; for construction of covered passage way from central building to engine and laundry, one thousand three hundred dollars; for additional fixtures in bakery, kitchen and servant's rooms, six hundred dollars; for one fifteen-horse power engine, setting and connecting the same, two thousand five hundred dollars; for repairs on farm buildings, six hundred dollars; for construction of cess-pool and utilization of drainage from soil pipes, seven hundred and fifty dollars; for additional furniture in central administrative building, three thousand five hundred dollars; for flagging-stone about the area in the rear of the central building, two hundred dollars. Reappropriation. Purpose thereof.

§ 2. This act is to take effect immediately.

* So in original.

Chap. 453.

AN ACT authorizing the town clerk of the town of Andes, in Delaware county, to call a special town meeting and authorizing the voters of said town to decide by ballot whether they will authorize the railroad commissioners of said town to sell and convey the town stock owned by said town in the Delhi and Middletown Railroad.

Passed May 12, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Special town meeting. SECTION 1. It shall be lawful for the legal voters of the town of Andes, in Delaware county, to convene in a special town meeting, to be held where the last town meeting was held, on the call of the town clerk as hereinafter mentioned, for the purpose of procuring an expression of the voters of said town to enable the Delhi and Middletown Railroad Commissioners of said town, in their discretion, to sell the stock of the town in the said Delhi and Middletown Railroad, provided the voters of said town so decide.

Object of. **Notice of.** § 2. The town clerk of said town is hereby authorized to call said special town meeting by publishing notice of the same in the Andes Recorder for two weeks in succession, and by posting notices in six conspicuous places in said town for at least ten days before said meeting is to be held, and if a majority of the legal voters present and voting at said meeting decide by their votes that the said Railroad Commissioners may sell said stock, it shall be lawful for the said commissioners to sell the same to such person or persons as in their judgment they may deem best, and to execute all necessary papers in behalf of said town to convey and perfect title in and to the same.

§ 3. This act shall take effect immediately.

Chap. 454.

AN ACT to authorize the board of supervisors of Erie county to regulate the publishing of election notices in said county.

Passed May 12, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Designation of newspapers. SECTION 1. The board of supervisors of the county of Erie shall, at each annual meeting thereof, designate, by ballot, four public newspapers printed and published within the said county of Erie, from the two political parties, one English and one German of each party, in which shall be published the several election notices, required by law to be published, of elections hereafter to be held within the said county of Erie, and no other or greater number of newspapers shall be designated or employed by said board of supervisors, wherein to publish such election notices.

Publication of election notices.

§ 2. No claim for publishing election notices shall hereafter be audited or allowed by said board of supervisors, other than such as shall have accrued for the publication of such notices in the several newspapers so to be designated by said board, under the provisions of this act. Claims of other newspapers not to be allowed.

§ 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 455.

AN ACT to protect the fisheries of "Cross Lake," in the county of Onondaga, State of New York; also of Clyde and Seneca rivers in counties of Wayne and Cayuga.

Passed May 12, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. No person shall at any time, within three years from the passage of this act, take, procure or catch, or assist in taking, procuring or catching, with or by means of any devise whatsoever, except hook and line, any fish of any kind from the waters of "Cross Lake," Clyde and Seneca rivers, within the county of Onondaga or from any of their outlets or inlets within said county, except minnows for bait, which may be taken with a small net, and except white fish, suckers, catfish and eels, which may be taken with a spear, and no person shall take any fish through the ice from said waters in any manner whatsoever.* Catching fish except by hook and line, prohibited.

§ 2. No person shall take, or attempt to take or kill any fish in the waters hereinbefore mentioned, with a spear, gun, or in any other manner except as provided in section one of this act under the penalty of twenty-five dollars for each offense; and the possession by any person of any spear, jack or light on said lake or tributaries, or on the shore of the same, shall be presumptive evidence of such undertaking and attempt by such person. Penalty.

§ 3. Any net of any kind set or placed in any of the waters aforesaid, shall be presumptive evidence of the commission of the offense mentioned in section one of this act, by the person owning or placing the same therein, and on the discovery of such net so set or placed, the same may be seized or taken without process by any constable of the counties of Onondaga, Cayuga or Wayne, and delivered to the supervisor of any town in said counties, and upon conviction of the person owning or placing such net, of said offense, the court in which such conviction shall be had, shall order such net to be sold by any constable of the counties aforesaid, and the proceeds of such sale, excepting the sum of three dollars which said constable may retain for his fees on such sale, shall be disbursed as follows: One-half to the person discovering the net so placed, and the remainder to the Commissioners of Fisheries of the State of New York. Setting a net presumptive evidence, &c. Confiscation of net.

§ 4. Upon complaint made on oath, to any justice of the peace of said county against any person as having violated any of the provisions of this act, said justice of the peace shall issue a warrant for the apprehen- Warrant to issue.

* So in original.

Fine, &c. sion of the offender, and cause such person to be brought before such justice for examination. If it shall appear by the confession of the offender, or by competent testimony, that he has violated any of the provisions of section one of this act, the justice shall impose a fine upon such offender of not more than ten dollars for each fish so caught* or killed; in default of payment of said fine the offender shall be committed to jail for not less than thirty days, and at the rate of one day for every dollar of the judgment where the same exceeds thirty dollars.

§ 5. This act shall take effect immediately.

Chap. 456.

AN ACT enlarging the powers of clerks to surrogates' courts.

Passed May 12, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Surrogate's clerk may take affidavits, acknowledgments &c.,

SECTION 1. The clerk to any surrogate or surrogate's court in this State, appointed according to law, shall, in addition to the powers now possessed by such clerk, have power and authority to take and certify affidavits, oaths and acknowledgments to any petition, bond, inventory or other paper or instrument, authorized or required to be used, made or filed in any matter, case or proceeding in any surrogate's court, or before any surrogate of, or to which he is clerk; to administer oaths and affirmations in any and all matters, cases and proceedings which shall or may be pending or instituted before said surrogate or surrogate's court; and in the absence of the surrogate, or in case of his sickness or inability to perform the duties appertaining to said court, to adjourn any matter, case, hearing or proceeding which may or shall be pending before such surrogate or before or in said surrogate's court, to some convenient time, but said clerk shall not adjourn any such matter, case, hearing or proceeding more than thirty days at any one time.

When he may adjourn any proceeding pending in surrogate's court.

§ 2. This act shall take effect immediately.

Chap. 457.

AN ACT to authorize the Westchester Villa Company to increase its capital stock.

Passed May 12, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Increase of capital stock.

SECTION 1. The Westchester Villa Company, a corporation organized on the sixth day of March, eighteen hundred and seventy-four, under "An act to authorize the formation of corporations for the erection of buildings," passed April fifth, eighteen hundred and fifty-three, and the acts amendatory thereof, is hereby authorized to increase its capital stock, from time to time, to an amount not exceeding four millions of dollars on filing with the clerk of the city and county of New York, and also in the office of the Secretary of State, a certificate of such increase, signed by their president and a majority of the trustees.

§ 2. This act shall take effect immediately.

* So in original.

Chap. 458.

AN ACT relating to the police justice in the village of Charlotte, county of Monroe.

Passed May 12, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The official acts of the police justice of the village of Charlotte since the charter election in said village, in the year eighteen hundred and seventy-four, are hereby legalized and confirmed, and shall be deemed of full force and validity. Official acts of police justice legalized.

§ 2. The police justice for said village, elected on the seventh day of April, eighteen hundred and seventy-three, for the term of four years, is hereby continued and confirmed as such police justice for and until the expiration of the full term of four years, for which he was elected. Police justice continued in office.

§ 3. This act shall take effect immediately.

Chap. 459.

AN ACT to authorize the Grand Trunk Railway Company of Canada to purchase and hold real estate in the city of Buffalo.

Passed May 12, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Grand Trunk Railway of Canada,* having, under the statutes of the Dominion of Canada, undertaken the working and operating of the Buffalo and Lake Huron Railroad Company, which last-named company, by chapter three hundred sixty of the laws of the State of New York of the year eighteen hundred and fifty-seven, was authorized to purchase and hold real estate in the city of Buffalo, and to acquire title to the same, and the Grand Trunk Railway Company* being desirous of availing itself of the rights, substantially, as so conferred upon said Buffalo and Lake Huron Railway Company, and so as to be enabled to hold lands for depot grounds and freight yards, westerly of Erie, Niagara and Tonawanda streets, and between Niagara and Tonawanda streets in the city of Buffalo. The said Grand Trunk Railway Company of Canada is hereby authorized to take by gift, grant, purchase or demise, and to hold all such lands in the city of Buffalo, lying westerly of Erie and Niagara and Tonawanda streets, and between Niagara and Tonawanda streets, as may be necessary for the purpose of such depot grounds and freight yards. Grand Trunk Railway Company may take and hold land.

§ 2. For the purpose of enabling said Grand Trunk Railway Company of Canada to acquire title to lands for such depot grounds and yards, the provisions of sections fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one and twenty-two, of the act entitled "An act to authorize the formation of railway corporations, and to regulate the same," passed April second, eighteen hundred and fifty, and the acts amending the same, are hereby made applicable to Sections of the act of 1850 made applicable.

Restric-
tions.

said company, subject to the restrictions contained in section four of chapter two hundred and eighty-two of the laws of eighteen hundred and fifty-four.

§ 3. This act shall take effect immediately.

Chap. 460.

AN ACT to amend an act entitled "An act in relation to jurors in the city and county of New York," passed May second, eighteen hundred and seventy.

Passed May 13, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section two of an act entitled "An act in relation to jurors in the city and county of New York," passed May second, eighteen hundred and seventy, is hereby amended so as to read as follows:

Com-
mence-
ment of
jury year.

Exemp-
tion from
jury ser-
vice.

Compen-
sation.

§ 2. Each jury year shall commence on the first day of October, and every person actually serving as a juror in any court of record within the city of New York twelve days within any jury year, who shall have been discharged by the court, shall be exempt from any jury service thereafter during said year, and, when such service shall have been performed, the commissioner of jurors may deliver a certificate of the fact to each person entitled thereto. No person shall serve as a juror in courts of record at more than two terms in any jury year. Every juror shall receive for each day of actual attendance and service in the court of general sessions of the peace, or in the court of oyer and terminer, the sum of two dollars, to be paid to him by the county treasurer, upon a certificate of his attendance and service by the clerk and an order of the court for his payment; and in other courts of record each juror shall receive for each case in which he shall be impaneled one dollar, if the case be tried, and fifty cents if an inquest be taken, such fee to be paid by the clerk of the court, and to be collected by him before the verdict shall be entered.

§ 2. This act shall take effect immediately.

Chap. 461.

AN ACT in relation to the Croton Aqueduct in the city of New York.

Passed May 13, 1874.*

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Limita-
tion ex-
tended.

SECTION 1. The limitation contained in chapter two hundred and thirty of the laws of eighteen hundred and seventy and of chapter eight hundred and seventy-two of the laws of eighteen hundred and seventy-two, are hereby extended for one year in relation to the construction and completion of the work therein provided for.

§ 2. This act shall take effect immediately.

* Certified by the presiding officer of the Senate as having passed the Senate, "three-fifths being present."

Chap. 462.

AN ACT to authorize a tax of seven thirty-seconds of a mill per dollar of valuation for the payment of the awards of the Canal Appraisers and of the Canal Board, and to pay certain certificates of indebtedness on interest now outstanding.

Passed May 13, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be imposed for the fiscal year, beginning on the first day of October, one thousand eight hundred and seventy-four, a State tax of seven thirty-seconds of a mill on each dollar of the valuation of the real and personal property in this State subject to taxation, which tax shall be assessed, levied and collected by the annual assessment and collection of taxes for that year in the manner prescribed by law, and shall be paid by the several county treasurers into the treasury of this State, to be held by the State Treasurer for appropriation to the purposes designated in this act.

State tax
of seven
thirty-sec-
onds of a
mill.

For the payment of the awards of the Canal Appraisers for the year one thousand eight hundred and seventy-three, and on interest now outstanding, one hundred and seventy-nine thousand one hundred and two dollars and forty-eight cents.

For pay-
ment of
awards of
canal ap-
praisers.

For the payment of the awards made by the Canal Board between the first day of January, eighteen hundred and seventy-three, and the first day of April, eighteen hundred and seventy-four, in favor of Pratt and Company, Jeremiah Flood, Richard Clifford, George M. Case, assignee, Amariah Holbrook, Samuel R. Welles, administrator, W. D. Callister, assignee, Samuel Donaldson, and Charles P. Skinner and Edward Williams or their assignee, and Peter Dunn, and the interest to accrue thereon, the sum of one hundred and eighty-eight thousand and thirty-one dollars and three cents.

Awards
by canal
board.

For the payment of the amount of certificates on interest now outstanding, issued during the year one thousand eight hundred and seventy-three, for work done on the Champlain canal in excess of any appropriation therefor, eighty-eight thousand seven hundred and sixty-eight dollars and fifteen cents.

Interest
on certifi-
cates.

§ 2. This act shall take effect immediately.

Chap. 463.

AN ACT to provide for the maintenance of prisoners sent to the Monroe county penitentiary from the several towns and the city of Rochester in the county of Monroe.

Passed May 18, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All expenses incurred by the city of Rochester or any of the towns in the county of Monroe, for the arrest, trial and conviction

Expenses,
how
borne,

of any prisoner, by any police justice or justice of the peace in said county, including the board and clothing of said prisoner while under sentence at the Monroe county penitentiary, shall be borne and paid by the town or city where such trial and conviction shall be had.

Fines.

§ 2. All fines imposed and received by any magistrate or police justice in the county of Monroe, and all fines received by the superintendent of the Monroe county penitentiary, shall belong to the poor fund and shall be used for the support of the poor in such town or city respectively, where such trial and conviction shall be had.

Books o.
accounts,
entries to
be made
therein.

§ 3. The superintendent of the Monroe county penitentiary shall, as soon as this act shall take effect, cause proper books of account to be opened with the city of Rochester, and the several towns in said county of Monroe, in which shall be entered the name and residence of all persons convicted and sent to the said penitentiary from said county, and all expenses for said prisoner while under sentence at said penitentiary shall be charged to the city of Rochester or the town from which such person shall be sent.

Annual
report of
superin-
tendent,
&c.

§ 4. The superintendent of said penitentiary shall report annually to the board of supervisors of said county, and within ten days from the first day's session of said board, and shall present a detailed statement to said board, giving the name of each person confined in said penitentiary, and the period of the confinement, showing the indebtedness to said penitentiary of the city of Rochester and the several towns in the county separately, and the balance due from such city or town respectively; and the board of supervisors of said county shall assess such balance on the taxable property of the city of Rochester or the towns from which such balance shall be due as will be sufficient to pay all such indebtedness to said penitentiary.

Board of
supervis-
ors to as-
sess bal-
ance.

Amount to
be paid to
county
treasurer.

§ 5. The amount so assessed on the city, and the several towns in the county, shall, when collected, be paid to the county treasurer and credited to the penitentiary fund.

Repeal.

§ 6. All acts and parts of acts, heretofore passed inconsistent with the provisions of this act are to that extent hereby repealed.

§ 7. This act shall take effect on the first day of March next.

Chap. 464.

AN ACT to amend an act entitled "An act to provide for the support and care of State paupers," passed June seventh, eighteen hundred and seventy-three.

Passed May 18, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of the act entitled "An act to provide for the support and care of State paupers," passed June seventh, eighteen hundred and seventy-three, is hereby amended so as to read as follows:

State
board of
charities
to con-
tract.

§ 2. The State board of charities is hereby authorized, from time to time, on behalf of the State, to contract, for such time and on such terms as it may deem proper, with the authorities of not more than fifteen counties or cities of this State, for the reception and support, in the poor-houses or other suitable buildings of such counties or cities respectively, of such paupers as may be committed to such poor-houses, as provided by this act. The said board may establish rules and regu-

lations for the discipline, employment, treatment and care of such paupers and for their discharge. Every such contract shall be in writing, and be filed in the office of the said board. The poor-houses or other buildings so contracted for with the authorities of any county or city, while used for the purposes herein mentioned, shall be appropriately designated by the said board and shall be known as State almshouses. The said board may from time to time direct the transfer of any such paupers from one almshouse to another, and may give notice from time to time to counties to which almshouses they shall send paupers.

Rules and regulations.

Transfer of paupers.

§ 2. The fifteenth section of the said act, passed June seventh, eighteen hundred and seventy-three is amended by adding thereto as follows: And also for clerk hire, and the compensation of an assistant secretary for said board to be certified and allowed in like manner. The assistant secretary shall discharge such duties as the board may designate, and in case of a vacancy in the office of secretary of said board, or in his absence or illness, the duties of the office of secretary in the meantime may be discharged by such assistant secretary.

Clerk hire.

Assistant secretary, his duties.

§ 3. This act shall take effect immediately.

Chap. 465.

AN ACT providing for the purchase of a site for, and the erection of, a town hall, in the town of Flatbush, in the county of Kings.

Passed May 18, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of improvement of the town of Flatbush in Kings county, composed and organized under chapter five hundred and sixty-seven of the laws of eighteen hundred and seventy-one, is hereby authorized and empowered to borrow in the name and on the credit and faith of the said town a sum not exceeding forty thousand dollars, payable within thirty years from the passage of this act, with interest as hereinafter provided, in successive annual installments of such sums, and at such times as such board shall deem expedient. The said board shall issue to the lender or lenders thereof a certificate or certificates of indebtedness in the name of the said town, signed by the members composing the said board, or by a majority of them, which shall contain an acknowledgment of indebtedness for the sum or sums borrowed, and an agreement to repay the same, with interest, at such rate, not exceeding seven per cent. per annum, and payable at such time as may be agreed on.

Board of improvement may borrow money.

Certificates of indebtedness.

§ 2. The said board shall, with the money so borrowed, for and on behalf and in the name of the said town, purchase and acquire title to a site therein for the erection of a town hall, and shall also, after such title has been obtained, erect and build on such site a town hall with such material and of such style and description, and with such rooms, fixtures and accommodations therein as it shall deem suitable and proper for the use of the said town. The said hall shall contain a place or lock-up, to be used for the temporary detention and confinement of persons arrested or committed in the cases provided for in and by chapter five hundred and thirteen of the laws of eighteen hundred and seventy-two, and for the objects specified in the said act.

Application of the money borrowed.

Lock-up.

Statement
of amount
borrowed,
&c.

Certificate
of town
clerk.

Tax.

Payment.

Yearly ac-
count to
be render-
ed.

Excess,
how appli-
ed.

§ 3. The said board shall file in the office of the town clerk of the said town a statement signed by its members, or by a majority of them, of the aggregate amount so borrowed, and of the sums which shall fall due from time to time on the certificates issued therefor, as above provided, for principal and interest, and the town clerk shall in each year thereafter, until such indebtedness is fully paid, deliver to the board of supervisors of Kings county, on the day of its annual meeting, or previous thereto, a certificate showing the amount then payable, and that may become payable, for or on account of principal and interest, or either of them, on such certificates of indebtedness during the ensuing year; and the said board of supervisors shall cause the said amount to be assessed and levied on the taxable real and personal estate in the said town, and to be collected with the other taxes assessed, levied and collectable therein, and shall in and by the warrant of collection delivered to the collector of the said town, direct him to pay the said amount out of the first moneys collected by him, to the county treasurer of the county of Kings, who shall apply the same to the payment of the principal and interest so payable, or to become payable, as aforesaid, during the year mentioned in the said certificate of the town clerk on the certificates of indebtedness issued under the preceding provisions of this act, to be produced to the said treasurer.

§ 4. The said board of improvement shall render an account to the auditors of town accounts yearly until the whole amount that shall be borrowed by it under this act is paid, of the amount so borrowed and of the disposition thereof.

§ 5. If any portion of the money so borrowed shall not be required for the purposes aforesaid, the excess shall be paid over to the supervisor of the said town, to be applied by him to the insurance of the town hall and the expenses of keeping the same in repair and in proper condition for use.

§ 6. This act shall take effect immediately.

Chap. 466.

AN ACT to amend an act entitled "An act in relation to the Firemen's Benevolent Association of Buffalo, and to regulate the number of trustees thereof," passed April thirteenth, eighteen hundred and sixty-nine.

Passed May 18, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of an act entitled "An act in relation to the Firemen's Benevolent Association of Buffalo, and to regulate the number of trustees thereof," passed April thirteenth, eighteen hundred and sixty-nine, is hereby amended so as to read as follows:

Board of
trustees,
composition
of.

§ 1. The board of trustees of the Firemen's Benevolent association of Buffalo, shall be composed after the next annual election of trustees, of one trustee from each volunteer fire company organized and existing or which may be hereafter organized and exist pursuant to the charter and ordinances of the city of Buffalo, and of a further number of trustees, greater by one, than the number of trustees from said volunteer fire companies, who shall be elected from the exempt firemen of the fire department of said city. Said trustees shall be elected in the manner

now provided by the charter of said association for the election of trustees. No paid fireman nor any person who shall be receiving any pay or salary from the city of Buffalo for his services as a fireman in any capacity, except the superintendent of fire and the two assistant superintendents* and their clerk, or the clerk of the board of fire commissioners, shall be eligible to the office of trustee of said association or be entitled to vote at any election of trustees of said association or be entitled to any relief or benefit from said association.

§ 2. Section two of said act is hereby amended so as to read as follows:

§ 2. At the next annual election of trustees of said association, there shall be elected, in addition to the number of trustees now required by law to be elected at such election, one trustee from each volunteer fire company then organized and existing in the city of Buffalo and not now represented in the board of trustees of said association; and also an additional number of trustees from the exempt firemen of said city, equal in number to the trustees elected from said volunteer companies. Said additional trustees shall severally hold their offices for three years and until their successors are appointed, subject, however, to a liability to have their offices declared vacant for the causes now provided by law, and subject also to the further provisions of this act.

Eligibility.

Additional trustees to be elected at the next annual election.

Term of office.

§ 3. Section three of said act is hereby amended so as to read as follows:

§ 3. Whenever any new volunteer fire company or companies shall be organized in said city, a trustee of said board, from each and every of said companies shall be elected at the next annual election of trustees of said association thereafter, and a number of trustees from the exempt firemen of said city, equal to the number of trustees elected from such new companies, in addition to those before required to be elected at such election. Each of which trustees shall hold his office for the term of three years, subject however to the existing provisions of law in relation to vacating the office of trustees of said association, and the further provisions of this act.

When new volunteer fire company is organized, an additional trustee to be elected. Term of office.

§ 4. Section four of said act is hereby amended so as to read as follows:

§ 4. Whenever any volunteer fire company shall be disbanded, or for any cause cease to exist as an organized company, the trustee representing said company shall hold his office until the next annual election of trustees and no longer. And if, by reason of the disbanding of any volunteer company, the number of trustees to be elected from said volunteer companies at any election shall be diminished, the number of trustees to be elected at such election from the exempt firemen shall be diminished in an equal number, provided that the board of trustees of said association shall at no time be diminished to a less number than fifteen, and the number of trustees in said board from volunteer companies shall at no time exceed one from each company.

Disbanding of company, effect as to number of trustees.

Number not to be diminished below fifteen.

§ 5. This act shall take effect immediately.

* So in original.

Chap. 467.

AN ACT to amend an act entitled An act to incorporate the village of Port Richmond, in the county of Richmond, passed April twenty-fourth, eighteen hundred and sixty-six, and the act amendatory thereof, passed April twenty-fifth, eighteen hundred and sixty-seven.

Passed May 18, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision thirteen of section twenty-eight of an act entitled An act to incorporate the village of Port Richmond, in the county of Richmond, passed April twenty-fourth, eighteen hundred and sixty-six, as amended April twenty-fifth, eighteen hundred and sixty-seven, is hereby amended so as to read as follows:

Chief of fire department and assistants to be appointed.

Control at fires.

Disobedience, penalty for.

Trustees to determine amount to be raised by tax.

Same to be levied and collected.

Limitation of amount.

How expended.

13. To appoint one of their number a chief of the fire department in said village, and also to appoint as assistants to the said chief the foremen of the several fire companies in said village; and it shall be the duty of all firemen and fire companies to attend at all fires in said village with their fire engines and other fire apparatus, and at all such fires said chief, if he shall be present, or said assistants in the absence of such chief, according to the priority of their appointments, shall have the full control, command and direction of all fire companies, engines and apparatus which may attend at any such fire, and such fire companies, and the officers and members thereof, shall obey all lawful orders, commands and directions of such chief, or the assistant who may be in command at such fires, and any neglect of the duties hereby enjoined, and any failure to obey the orders, commands and directions herein mentioned, shall subject the offender to a penalty of five dollars for each offense, to be sued for before any justice of the peace in said village, in the name of the village, and such penalty shall be paid to the treasurer of the village. The said trustees shall have power to determine and shall determine by the vote of a majority of all the trustees, at a meeting to be held in each year prior to the apportionment of the annual tax, the amount to be raised by tax upon the taxable property of said village, to be applied for the benefit of the fire companies in said village during the then ensuing fiscal year, which sum shall be in addition to all sums which said trustees are now authorized or required to raise by tax; and any restrictions contained in any other part of the act hereby amended shall not be deemed to limit or prohibit the raising of the money hereby required to be raised; and having so determined, said trustees shall cause such sum to be apportioned and collected in the same manner and at the same time as other taxes in said village, but said trustees shall not cause to be apportioned or collected for the purposes herein mentioned any greater sum than the sum of one thousand dollars in any one year, and the moneys to be collected, as above provided, shall be expended by the said trustees in the purchase of such hose and other fire apparatus for the use of the several fire companies in said village, in the discretion of the said trustees, according to the necessities of said several companies.

§ 2. This act shall take effect immediately.

Chap. 468.

AN ACT to extend and continue and amend the act entitled "An act to create a special highway district in the town of Elizabethtown, Essex county," passed May twelfth, eighteen hundred and sixty-nine.

Passed May 18, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The act entitled "An act to create a special highway district in the town of Elizabethtown, Essex county," passed May twelfth, eighteen hundred and sixty-nine, is hereby continued, and the period of its existence extended and continued until the first day of March, in the year eighteen hundred and seventy-seven, until which day the provisions of said act shall be and remain in full force and effect, except that the legal voters of said district, at any election of trustees, may elect one trustee instead of three, in which case the trustee so elected shall have all the powers and perform all the duties heretofore given to and required of three trustees by the act hereby amended.

Former act extended and continued.

One trustee instead of three.

Powers and duties of trustees.

§ 2. This act shall take effect immediately.

Chap. 469.

AN ACT to amend the Revised Statutes relating to guardians and wards.

Passed May 18, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The fourteenth section of the third title of the eighth chapter of the second part of the Revised Statutes is hereby amended so as to read as follows:

§ 14. On the application of any ward, or of any relative in his behalf, or of the surety of a guardian, to the surrogate who appointed any guardian, or to the surrogate before whom any last will and testament containing an appointment of a guardian, shall be or shall have been proved, complaining of the incompetency of such guardian or of his wasting the real or personal estate of his ward, or of any misconduct in relation to his duties as guardian, the surrogate upon being satisfied by proof of the probable truth of such complaint, shall issue a citation to such guardian to appear before him at the day and place therein specified, to show cause why he should not be removed from his guardianship.

Guardian, general or testamentary may be cited by surrogate to show cause why he should not be removed.

§ 2. This act shall take effect immediately.

Chap. 470.

AN ACT to amend section nine, title three, chapter six, part two of the Revised Statutes.

Passed May 18, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nine, title third, chapter six, part two of the Revised Statutes is hereby amended so as to read as follows:

Articles to
be includ-
ed in in-
ventory,
but not
appraised.
Enumera-
tion.

§ 9. Where a man having a family shall die, leaving a widow or a minor child or children, the following articles shall not be deemed assets, but shall be included and stated in the inventory, of the estate, without being appraised:

Same.

1. All spinning-wheels, weaving-looms, one knitting machine, one sewing-machine, and stoves put up or kept for use by his family.

Same.

2. The family bible, family pictures, and school-books, used by or in the family of such deceased person, and books not exceeding in value fifty dollars, which were kept and used as part of the family library before the decease of such person.

Same.

3. All sheep to the number of ten, with their fleeces, and the yarn and cloth manufactured from the same, one cow, two swine and the pork of such swine, and necessary food for such swine, sheep or cow for sixty days, and all necessary provisions and fuel for such widow or child or children for sixty days, after the death of such deceased person.

4. All necessary wearing apparel, beds, bedsteads and bedding, necessary cooking utensils, the clothing of the family, the clothes of the widow and her ornaments proper for her station; one table, six chairs, twelve knives and forks, twelve plates, twelve tea-cups and saucers, one sugar dish, one milk pot, one tea-pot and twelve spoons, and also other household furniture which shall not exceed one hundred and fifty dollars in value.

§ 2. This act shall take effect immediately.

Chap. 471.

AN ACT to amend section twenty-eight of article two of title ten of chapter eight of part three of the Revised Statutes in relation to summary proceedings to recover the possession of land.

Passed May 18, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-eight of article two of title ten of chapter eight of part three of the Revised Statutes is hereby amended by adding thereto the following subdivision:

Summary
proceed-
ings, crop-
per may
be remov-
ed by.

5. When any person shall hold over and continue in possession of any real estate occupied or held by him under an agreement with the owner to occupy and cultivate the same upon shares or for a share of the crops, after the expiration of the time fixed in the agreement for such occupancy, without the permission of the other party to said agreement, his heirs or assigns.

Chap. 472.

AN ACT supplementary to and amending section three chapter seven hundred and seventy-five, laws of eighteen hundred and seventy-three, being an act to authorize the town of Friendship, in the county of Allegany, to issue its bonds for the aid and benefit of Friendship Academy.

Passed May 18, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Wherever the term "taxpayers" now occurs in section three, chapter seven hundred and seventy-five, laws of eighteen hundred and seventy-three, it shall be construed to include any solvent corporation, company or partnership assessed or taxed on said last assessment roll, and any such corporation, company or partnership may join in said petition, and shall have all the rights and privileges of other taxpayers under said act as hereby amended. The time during which the supervisor of the said town of Friendship shall file with the Secretary of State the consent of the said town to the said act as therein provided, is hereby extended to the first day of October in the year eighteen hundred and seventy-five.

Term taxpayers defined.

Corporation, &c., may join in petition to bond town.

Time for filing consent extended.

§ 2. This act shall take effect immediately.

Chap. 473.

AN ACT to amend an act entitled "An act to incorporate the city of Rome," passed February twenty-third eighteen hundred and seventy.

Passed May 18, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of title seven of said act is hereby amended by adding thereto as follows: It shall be the duty of any police officer or constable of said city, to apprehend any person who shall violate any ordinance of said city now in force, or which may hereafter be in force, and bring such person before the said recorder, who shall summarily examine into the matter. If the recorder shall find such person guilty of such violation, he may adjudge such person to pay a fine, which shall not exceed, in each case, the amount of penalty provided in such ordinance for the violation thereof; and shall not exceed the sum of fifty dollars in any one case, besides costs, which shall not exceed five dollars in each case; and may commit such person to the jail in said city until such fine and costs be paid, but for not more than thirty days in any one case.

Violation of city ordinance, duty of police officer to arrest for.

Penalty.

§ 2. This act shall take effect immediately.

Chap. 474.

AN ACT to amend an act entitled "An act for the incorporation of villages," passed April twentieth, eighteen hundred and seventy, and the acts amendatory thereof, so far as the same relate to the village of Port Henry, in the county of Essex and State of New York.

Passed May 18, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision thirteen of section three of title three of chapter two hundred and ninety-one, of the laws of eighteen hundred and seventy, is hereby amended by adding thereto the following:

Trustees
may enter
buildings,
&c.

May make
regula-
tions to
prevent
fires.

"To enter and to authorize others to enter in the day time, when it shall be necessary to do so, into any building in the said village in which shall be a fire-place, chimney, stove or stove-pipe, for the purpose of examining the condition of the same, and to make such regulations in regard thereto as a proper security against fires shall in their judgment require; also, to prohibit the erection or construction of buildings, cornices, or roofs of wood or other material liable to fire, within or in the vicinity of the compact part of the village, to be specified by the board of trustees of said village, and to make such regulations in regard thereto as a proper security against fire shall in their judgment require."

Chap. 475.

AN ACT for the relief of the Glendale and East River Railroad Company.

Passed May 19, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Weight of
rails.

SECTION 1. The Glendale and East River Railroad Company, duly organized under and pursuant to chapter one hundred and forty, of the laws of eighteen hundred and fifty, and the several acts amendatory of the same having filed its articles of association, designating the route of its proposed road, is hereby permitted, authorized and empowered to lay down rails thereon, of less weight than the law prescribes, but not less than forty pounds to the lineal yard, and to construct, maintain, operate and use the same.

§ 2. This act shall take effect immediately.

Chap. 476.

AN ACT in relation to the assessment for repaving Taylor street, from Kent avenue to Wallabout basin, in the city of Brooklyn.

Passed May 19, 1874; three-fifths being present.

The People of the State of New York, represented ed Senate and Assembly, do enact as follows :*

SECTION 1. The common council of the city of Brooklyn are authorized to declare the assessment for the repaving of Taylor street, from Kent avenue to the Wallabout basin, to be a part of the general expenses of the Wallabout improvement, and they may by resolution impose the same upon the city at large; such parts of said assessment as have not been paid shall be canceled, and such parts as have been paid shall be refunded by the proper officers, with interest, and any expenses of enforced collection to the parties who have paid the same, or their legal representatives.

Assessment for repairing street may be imposed upon the city at large.

§ 2. This act shall take effect immediately.

Chap. 477.

AN ACT to amend an act entitled "An act for the improvement of First street and Franklin street in the city of Brooklyn," passed May twenty-first, eighteen hundred and seventy-two, and to improve Kent avenue.

Passed May 19, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The first section of chapter eight hundred and eleven of the laws of eighteen hundred and seventy-two, entitled "An act for the improvement of First street and Franklin street in the city of Brooklyn," is hereby amended so as to read as follows:

§ 1. The board of city works of the city of Brooklyn is hereby authorized and directed, without unnecessary delay, to widen, regrade and repave the carriage-way in Kent avenue and First street, from Division avenue to Bushwick creek, and repave Franklin street from Bushwick creek to its termination at or near Newtown creek, said carriage-way to be widened between Division avenue and the south side of Grand street by taking from the easterly sidewalk of said street and avenue one-third, and from the westerly sidewalk thereof two-thirds of the amount of such sidewalks as shall be necessary to make said carriage-way of the uniform width of thirty-six feet; and between the northerly side of Grand street and Bushwick creek by taking two feet from each side of said street, and such carriage-way, when so widened, shall be paved with the latest improved stone pavement and in such manner as said board may deem best for the interests of said avenue and streets and of the city.

Widening, &c., of Kent avenue, and repaving of Franklin street authorized. Mode.

§ 2. Section five of the said act is hereby repealed. Nothing in this act contained shall authorize any issue of bonds or incurring of indebted-

Repeal. Bonds and debts.

edness beyond the limit fixed by the act entitled "An act relative to local improvements in the city of Brooklyn, and to amend an act entitled 'An act to restrict the power of the city of Brooklyn to issue bonds or loan its credit for local improvements,'" passed May twelfth, eighteen hundred and seventy-three; but, for the purposes of ascertaining such limitation, the improvements so authorized shall be deemed and held to have been authorized prior to the passage of the act last aforesaid.

Proceed-
ings for
collecting
expenses.

§ 3. The act first hereby amended shall be of full force and effect except as so amended, and the powers so granted shall be fully executed by said board of city works without delay; but all proceedings for the collecting of the expense of the improvements from the district of assessment fixed by said act shall be under the provisions of existing laws.

§ 4. This act shall take effect immediately.

Chap. 478.

AN ACT to require the Eighth Avenue Railroad Company to extend its railroad route in the city of New York and to regulate the use and operation of the railroad of said company.

Passed May 19, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Railroad
tracks to
be extend-
ed.

Route.

SECTION 1. For the better accommodation of the public, the Eighth Avenue Railroad Company is hereby required as soon as practicable to extend its existing railroad tracks from their present terminus in the Eighth avenue in the city of New York, through and along the said avenue northerly to the point where the street or road commonly called the Macombs Dam road intersects or meets the Eighth avenue, thence through and along the said Macombs Dam road, with double or single tracks, to the westerly end of the bridge known as the Macombs Dam bridge, with the necessary curves, connections, turnouts and switches for the proper working and accommodation of such extension in connection with said existing railroad so as to provide a continuous railroad from the intersection of Vesey street and Broadway and from the intersection of Canal street and Broadway in said city to the Harlem river at Macombs Dam bridge aforesaid. When the said company shall have completed the extension of its railroad as required by this act, it shall run its cars thereon as often as the public convenience may require, and for the transportation of each passenger upon its railroad route when so extended, it shall be lawful for said company to charge and receive the same fares now charged by it, for the conveyance of passengers, and no more.

Running
of cars.

Fares.

Provisions
of the gen-
eral rail-
road act
applied.

§ 2. When the extension required by this act shall be completed and put in operation, said company shall use, maintain and operate its railroad during the term for which said company was incorporated upon and along the several streets and avenues in the city of New York upon and over which its railroad is now in use and operation and upon and over such extension, subject only to the provisions of the general railroad act of this State with its amendments, which shall be applicable to the railroad and extension hereby granted, except as herein provided.

§ 3. All acts or parts of acts inconsistent with the provisions of this Repeal. act are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 479.

AN ACT to authorize the construction and use of a railroad in the city of Brooklyn and county of Kings, and the towns of Newtown and Jamaica in the county of Queens.

Passed May 19, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Loftis Wood, A. M. Suydam, Henry Eckert, Peter Wyckoff, Corporat-
 Peter M. Flexer, Walter G. Howey, Wm. G. Bishop, Thomas J. Betts, ors.
 Alfred M. Green, Edward Conklin, August Busch, P. J. Fitzpatrick,
 E. H. Scofield, Adam Rudd, Charles Stafford, Samuel A. McKinley,
 Benjamin E. Hale, Daniel Barrett, and their associates and assigns, are
 hereby created a body corporate by the name of the East Brooklyn Corporate
 Railroad Company for the purpose of constructing a railroad in the name.
 the counties of Kings and Queens on the route or routes hereinafter Object.
 specified.

§ 2. The said company is hereby authorized and empowered to lay, Construct-
 construct and operate a railroad for conveying persons and property tion of
 by horse power along the following route or routes: Commencing at railroad
 Grand and Little Water streets in the city of Brooklyn, and running author-
 thence through and along Little Water street to First street; thence ized.
 through and along First street to South Ninth street; thence through Route.
 and along South Ninth street to Second street; thence through and
 along Second street to Division avenue; thence through and along
 Division avenue to Harrison avenue; thence through and along Harri-
 son avenue to Flushing avenue; thence through and along Delmonico
 Place to Hopkins street; thence through and along Hopkins street to
 Yates avenue; thence through and along Yates avenue to Fulton
 avenue; thence through and along Fulton avenue to Albany avenue;
 thence through and along Albany avenue to Malburn street; thence
 through and along Malburn street to Flatbush avenue; also from Hop-
 kins street and Yates avenue across Broadway and through and along
 Yates Place to Flushing avenue; thence through and along Flushing
 avenue to the city line; thence along the old Newtown turnpike to
 Maspeth; also, from the intersection of Flushing avenue and Central
 avenue through and along Central avenue to Cooper avenue; thence
 through and along Cooper avenue to the Cypress Hill plank-road, and
 thence through and along the Cypress Hill plank-road to the Cypress
 Hill Cemetery; return by same routes to the intersection of Division
 avenue and Second street; thence through and along Second street to
 Grand street, and thence through and along Grand street to Little
 Water street.

§ 3. The conditions and restrictions under which the said company Condi-
 shall construct and operate their road shall be such as now govern rail- tions and
 roads in the city of Brooklyn, and as may from time to time be restric-
 scribed by law, including the right to construct switches, turn-outs and tions.

turn-tables, and the right to use the tracks, on compensation therefor, of companies now existing, and they may use an iron rail of less weight than fifty-six pounds to the lineal yard.

Capital stock. § 4. The capital stock of said company shall be two hundred thousand dollars, to be divided into shares of one hundred dollars each. The first eleven persons named in the first section shall be directors for the first year, and until others are chosen in their stead.

First directors. § 5. The corporation hereby created shall have the general powers and privileges, and except as herein otherwise provided, shall be subject to the provisions and restrictions contained in the act entitled "An act to authorize the formation of railroad corporations, and to regulate the same," passed April second, eighteen hundred and fifty.

§ 6. This act shall take effect immediately.

Chap. 480.

AN ACT for the relief of certain hospitals and dispensaries in the city of Brooklyn.

Passed May 19, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Sums to be included in tax for 1875.

For Brooklyn Homœopathic Hospital, Lying-in Asylum, Dispensaries.

Brooklyn Nursery.

SECTION 1. The mayor and comptroller of the city of Brooklyn shall, on or before the first Monday of June, one thousand eight hundred and seventy-four, include in their statement in writing of the several sums of money to be raised by tax for the year commencing on the first day of January, one thousand eight hundred and seventy-five, and the mayor, comptroller and board of aldermen shall include in their statements and estimates provided by title two, sections twenty-one and twenty-two, chapter eight hundred and sixty-three of the laws of one thousand eight hundred and seventy-three, entitled "An act to amend the charter of the city of Brooklyn and the various amendments thereof for the said year one thousand eight hundred and seventy-five, the sum of four thousand dollars to be paid to the Brooklyn Homœopathic Hospital, the sum of twenty-five hundred dollars to be paid to the Brooklyn Homœopathic Lying-in-Asylum, the sum of one thousand five hundred dollars to be paid to the Atlantic Avenue Dispensary, the sum of fifteen hundred dollars to be paid to the Southern Dispensary and Hospital, and the sum of fifteen hundred dollars to be paid to the Brooklyn Eastern District Homœopathic Dispensary, the sum of twenty-five hundred dollars to be paid to the Brooklyn Nursery, the sum of ten hundred dollars to be paid to the Yates avenue Homœopathic Dispensary, which sums are to be raised for the year one thousand eight hundred and seventy-five, at the same time and in the same manner with the general taxes of the year one thousand eight hundred and seventy-five, in addition to the sums provided in the twenty-third section of the second title of said act.

§ 2. This act shall take effect immediately.

Chap. 481,

AN ACT to incorporate the Brooklyn Guaranty and Indemnity Company.

Passed May 19, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Franklin Woodruff, Samuel McLean, George L. Nichols, Andrew Cunningham, Frederick A. Schroeder, Nelson Shaurman, Silas B. Dutcher, R. Cornell White, Benjamin F. Tracy, Ludovic Bennet, Lorin Palmer, Andrew J. Perry, Richard S. Brown, Alfred Becar, Samuel Richards, Isaac L. Hewitt, Edward B. Fowler, John S. Ward, John W. Mason, David C. Van Cott, William H. Swan, James N. Piper, Cornelius Meyer, Adam D. Wheelock, Charles E. Baughan, Albert Ammerman, Daniel D. Whitney, A. C. Washington, John H. Jurgens, M. J. Gaffney, Charles H. Fellows, John A. Brady, J. Max Rudiger, Andrew R. Culver, George M. Woodward and such other persons as may be hereafter associated with them and their successors, are hereby constituted a body corporate and politic, under the name of The Brooklyn Guaranty and Indemnity Company, and by that name shall have perpetual succession, and may sue and be sued in any court whatever.

Corporators.

Corporate name.

§ 2. The business and the corporate powers of said corporation shall be exercised by a board of thirteen directors, to be chosen as hereinafter provided, who shall elect from their number a president, vice-president and secretary, of which directors seven shall constitute a quorum for the transaction of business. Said board shall have power to make all such by-laws, rules and regulations, not inconsistent with the constitution and laws of this State, as they may deem necessary for the conduct of the affairs of said corporation and appoint and employ such agents and servants as the management of its business may require, and designate their powers and duties and their terms of service and compensation, and may also establish branches and agencies for the transaction of its business in Europe and elsewhere, and may deal in foreign and domestic exchange.

Board of directors.

To elect president, &c.
By-laws, &c.

Agents, &c.

Branches and agencies.

§ 3. The first board of directors of said corporation shall consist of such of the persons named in the first section of this act, not exceeding thirteen, as may be chosen by a majority of all of such persons, at a meeting called for that purpose, and to be held within thirty days after the passage of this act, upon notice to each one of such persons, signed by a majority thereof; and in case, at said meeting, so many of such persons named in said first section shall refuse to serve, as to reduce the number chosen and willing to serve below thirteen, then those actually chosen at such meeting may, at any time previous to the commencement of business authorized by this act, fill such vacancies. The term of office of such first board shall be not less than one nor more than three years from the organization of said corporation, and shall be prescribed by the by-laws, and such by-laws shall also prescribe the term of office of subsequent boards of directors within such limits, and may also classify the board into various terms; and the board shall have the power to fill all vacancies in its number.

First directors.

Vacancies.

Term of office.

§ 4. The said corporation shall be deemed to be organized by the election of a president, vice-president and secretary, by said first board of directors, from their own number.

Organization.

Commissioners to receive subscriptions.

§ 5. Franklin Woodruff, Samuel McLean, Andrew Cunningham, Frederick A. Schroeder, Andrew J. Perry and Ludovic Bennet shall be and they hereby are appointed commissioners to open books for subscription to the capital stock of said corporation, at such time after the organization thereof, and at such place, as they or a majority of them shall deem proper, and for such amounts as, in their judgment, the business of the corporation may require, but for no less amount than the sum of one hundred thousand dollars.

Capital stock.

§ 6. The capital stock of said corporation shall be five hundred thousand dollars, divided into shares of one hundred dollars each. When two hundred and fifty thousand dollars shall have been actually subscribed, and one hundred thousand dollars paid in, in cash, the said corporation may proceed to business under this act; said capital stock may be increased from time to time, as the said corporation may deem best.

When corporation may proceed to business.

Payment of subscriptions.

§ 7. Each subscriber shall pay, at the time of subscription, ten per centum of the amount of shares for which he subscribes, and the balance of said amount shall be paid, in installments, at such times and in such amounts as the directors may provide. In cases where subscription books are opened for an increase of said capital stock, as above provided, the holders of the capital stock, at the time when such books are opened, shall have the preference to subscribe for and take such new stock to such extent and in such manner as the board of directors may determine, subject, however, to the rights of the founders of said corporation to subscribe for and take any part not to exceed one-fourth of such increase.

Preference in subscription for increased stock.

Corporate powers.

§ 8. The corporation hereby created shall have the general powers and privileges, and be subject to the liabilities mentioned and declared in title three of chapter eighteen of part first of the Revised Statutes, and, in addition, shall have power to guaranty the payment, punctual performance and collection of promissory notes, bills of exchange, foreign or domestic claims, accounts, evidences of debt, bonds, mortgages, rents, annuities, choses in action, certificates of property, or value policies of insurance, and the titles to property, real or personal, upon such terms as may be established by the board of directors of said corporation; to take the management, custody and charge of real or personal estate and property, and trust estates, and to advance or loan moneys, securities or credits, upon any real or personal property situated within the United States, or upon the hypothecation of such property, or upon the hypothecation of bonds and mortgages on such property, on such terms as may be established by the board of directors of said corporation for any period of credit, and repayable by way of annuity or otherwise, provided, however, that in case of loans no rates of interest shall exceed lawful interest.

Rates of interest.

Individual liability of stockholders.

§ 9. The stockholders of said corporation shall be individually liable for the debts and contracts of the corporation to an amount equal to the amount of stock held by them respectively. Such liabilities shall not be enforced until judgment has been obtained and execution thereon has been issued and returned unsatisfied against said corporation.

Securities to be deposited with the superintendent of the banking department.

§ 10. Before the said corporation shall exercise the power in and by this act granted to take the management, custody and charge of real or personal estate and property and trust estates as trustees for and in respect to the same, said company shall assign and transfer, to the Superintendent of the Banking Department, bonds and mortgages on unincumbered real estate within the State of New York, worth double the amount secured thereby, or shall transfer and assign to the said Superintendent public stocks of the United States, or of the State of

New York, or of any incorporated city of this State, authorized by the Legislature, to the amount of at least twice the estimated value of the income of any such real estate and twice the amount of the value of any such personal estate and property, to be estimated by the Superintendent of the Banking Department; and the said Superintendent may require the amount of such securities so assigned and transferred to him to be increased from time to time, in his reasonable discretion, and the said corporation shall thereupon assign and transfer to said Superintendent like bonds and mortgages, or stocks aforesaid, which shall be held by the said Superintendent of the Banking Department in trust, as security for the faithful performance by said corporation of any and every engagement, contract or undertaking, by or on the part or behalf of said corporation as such trustee as aforesaid, and which bonds and mortgages or stock shall be subject to the sale and disposal of the said Superintendent of the Banking Department upon the order of the Supreme Court, and upon the assignment of the said bonds and mortgages and stock, the said Superintendent of the Banking Department shall issue to the said corporation a certificate of such fact, upon the receipt of which the said corporation may commence such business; and an equal amount in value, to be determined by said Superintendent, of such stocks, and bonds and mortgages, shall, at all times during the continuance of such business by said corporation, remain in the possession of said Superintendent of said Banking Department. Until otherwise ordered by the Supreme Court, the Superintendent of the Banking Department shall pay over to the said corporation the interest which shall be received on the securities assigned to him by the said corporation, or he may authorize the said corporation to collect the same for its own benefit.

§ 11. The board of directors of said corporation shall exhibit annually to the Superintendent of the Banking Department of this State, on such day as he shall appoint, a full statement of its affairs in such a form and verified in such a manner as he shall direct. The Superintendent of the Banking Department should it be deemed proper, may refer such statement to a referee, with directions to make a full and thorough investigation into the affairs and management of the corporation, and to report his opinion in relation to the ability and integrity with which its affairs are conducted, the prudence and safety of its investments, the security afforded to those by whom its engagements are held, and the advantages derived by the public from its operation. The expenses of every such investigation so made shall be defrayed by the corporation, in such sum as the said Superintendent of the Banking Department shall certify to be reasonable and just.

§ 12. Upon the exhibition of any such annual statement, or upon the coming in of a referee's report thereon, the Superintendent of the Banking Department may recommend to the board of directors such alterations and amendments in the regulations and by-laws of the corporation as he shall deem to be required for the public good and a just regard to the security of its creditors. If any recommendation so made by the said Superintendent of the Banking Department shall be neglected, or without just cause disregarded by the board of directors, he shall make a full communication of the facts to the Legislature at the first session thereafter.

§ 13. A copy of every statement so made, and of every report of a referee thereon, shall be transmitted to the Superintendent of the Banking Department by the president of the corporation, in thirty days after it shall have been made or received.

Annual statement of affairs.

Investigation thereof.

Expenses thereof.

Superintendent may recommend amendments, &c., to by-laws.

Transmission of report, &c.

- To whom loans may be made.** § 14. The loans on mortgage or hypothecation authorized by this act, may be made to individuals, corporations, associations, States, cities, provinces, towns or other municipal bodies authorized thereto.
- Security for loans.** § 15. No loan shall be made by the corporation on mortgage or by hypothecation of real estate, to more than two-thirds of the estimated value thereof, if the same be improved property, nor to more than half the estimated value thereof, if the same consists of farms or vacant lands.
- When and how corporation may redeem its bonds.** § 16. If at any time, by reason of payments made on loans of the corporation or for any other cause, the amount owing to it on mortgage or hypothecation of real estate shall be less than the amount of its bonds outstanding, said corporation shall call in and redeem at par so much of its bonds as may be necessary to equalize such amounts; and for this purpose the company may cause bonds to be selected by lot, drawn or cast by a disinterested person or persons appointed by the corporation.
- Notice.** Notice of the lot so drawn, designating the particular bonds to be redeemed, shall be given by advertising in a daily newspaper published in the city of New York, and another daily newspaper published in the city of Brooklyn, at least thirty days next previous to the time of redemption to be therein specified, at which time the corporation shall pay such designated bonds, and the interest accrued thereon, at par on the surrender thereof.
- Loan of money on pledge of its own bonds.** § 17. When bonds issued by the corporation shall be held by other parties, it shall be lawful for the corporation to loan money on the pledge thereof, or to undertake the sale or pledging thereof for the holders, for such compensation as may be agreed upon, or to purchase such bonds.
- Dividends.** § 18. Dividends of net profits of the corporation to an amount not greater than ten per cent. per annum on the amount of its capital stock, may be made to the stockholders in proportion to the sums paid in on their respective shares; and if in any year the said net profits shall exceed such ten per cent., then one-tenth of such excess shall be applied to the formation of a reserved fund until such reserved fund shall become equal to one-tenth part of the paid-in capital of the corporation; and of the remaining nine-tenths, three-fourths shall be divided among the shareholders in proportion to the amounts paid in on their respective shares, and the other one-fourth shall belong to the founders, who shall be entitled to dividends thereon ratably with stock to like amounts. A special founders' scrip shall be created to represent the rights of founders. Such scrip shall be issued to the founders, and the same shall be transferable on the books of the corporation like stock, and the rights of the founders shall follow the same, and shall be exercised only by parties in whose name such scrip shall stand on the books of the corporation. The founders shall be the persons selected or designated as such by a vote of the stockholders, passed at their first meeting after the organization of the corporation, as hereinbefore provided.
- Special founders' scrip.**
- Power to take and hold real estate.** § 19. It shall be lawful for said corporation to lease, purchase and hold such real estate as may be necessary to carry on its business, also such real estate as it may acquire in the enforcement or settlement of any claim or demand arising out of its business transactions, but all such real estate so acquired shall be sold within five years thereafter, unless the superintendent of the Banking Department shall permit otherwise, and the said corporation is hereby authorized to make, execute and issue, in the transaction of its business, all necessary receipts, certificates, contracts and instruments, which receipts, certificates, contracts or instruments shall bear the impress or stamp of the seal of the cor-
- Receipts, certificates, contracts, &c.**

poration, and shall be signed by the president and countersigned by the secretary or treasurer thereof.

§ 20. The stockholders of said corporation shall, by ballot, elect all directors of the same, to be chosen for terms subsequent to the term of office of said first board except to fill vacancies, which election shall be otherwise provided for by the by-laws of said corporation and at such election or at any meeting of stockholders each share of stock shall be entitled to one vote, and the by-laws shall prescribe the mode of ascertaining for the purpose of any election or ballot the names of persons entitled to vote at such election. Directors,
how elect-
ed.

§ 21. The stock of said corporation shall be transferable only on the books of said corporation.

§ 22. This act shall take effect immediately.

Chap. 482.

AN ACT to amend the charter of the city of Rochester,
and to extend its boundaries.

Passed May 19, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. An act entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester," passed April eight, eighteen hundred and sixty-one, as heretofore amended, is herein designated as the charter of the said city.

§ 2. Section two of the said charter is hereby amended so as to read as follows:

§ 2. The boundaries of the said city shall be as follows: Beginning at a point in the present town of Irondequoit at a point in the middle of the ridge road, eight chains and seventy-five links distant from the top of the east bank of the Genesee river; thence south fifteen minutes east to the south line of the highway known as Norton street; thence easterly along the south line of said highway to the westerly line of the highway running through the northeasterly corner of lot number forty-eight in said town; thence southeasterly along the westerly line of said highway to the south line of lot number fifty in said town, where the same intersects the west line of the highway commonly called the Schenck or Culver road; thence southerly along the west line of said highway and in said line produced to the north line of lot number forty-five in the town of Brighton; thence westerly on the north line of lot number forty-five, and in said line produced to the east line of lot number sixty-one; thence southerly along the east line of said lot to the intersection thereof with the south line of the pinnacle road; thence westerly along the south line of said road to the highway known as South avenue; thence southerly along the east line of said avenue to the south line of lot number twenty-three in the town of Brighton; thence westerly on a line in continuation of the south line of said lot number twenty-three, produced to the west bank of the Genesee river; thence northerly along the west bank of said river to the south line of the town of Gates, thence westerly along the south line of the town of Gates to a point on the south line of lot forty-six in said town, which would intersect the east line of lots seventy-five, seventy-six and one hundred and sixty-eight in said town of Gates if produced southerly to the south line of the said town; thence northerly on the east line of lots seventy-five, seventy-six

and one hundred and sixty-eight produced, to the south line of lot number twenty-two in said town; thence westerly on the south line of lot twenty-two to the east line of the highway; thence northerly on the east line of said highway to the north line of lot twenty-two; thence easterly on the north line of lot twenty-two to a point intersected by the east line of lot number one hundred and sixty-eight produced southerly; thence northerly on the east line of lot number one hundred and sixty-eight produced south, to the east line of lot number one hundred and sixty-eight and along the east line of lots one hundred and sixty-eight, seventy-six, seventy-five, seventy-four and seventy-three, in the town of Gates, continued on the east line of lots seventy-two, seventy-one and seventy in the town of Greece, to a point twenty rods north of the center of the highway in the town of Greece known as the big ridge road; thence easterly in a line parallel with the center of said road and twenty rods distant northerly therefrom and on said line produced to the top of the east high bank of the Genesee river; thence southerly on the top of said bank to a point due west from the place of beginning; thence easterly to the place of beginning.

Wards.

§ 3. Section four of the said charter is hereby amended by substituting therein, for the words "divided into fourteen wards," the words "divided into sixteen wards," and by adding at the end of the said section four the following, namely:

Fifteenth. Fifteenth ward. All that part of the said city, lying west of the center of the Genesee river, and not included in either of the above described fourteen wards.

Sixteenth. Sixteenth ward. All that part of the said city lying east of the center of the Genesee river, and not included in either of the above described fifteen wards.

Original
wards re-
main un-
changed.

§ 4. Wherever, in the said charter, the description of the fourteen wards, existing prior to the passage of this act, refers to the boundaries of the city, the boundaries as they were before the enlargement provided by this act are intended, so that the said fourteen wards shall remain unchanged, and the fifteenth ward shall comprise all that part of the new territory hereby added to the city, lying west of the Genesee river, and the sixteenth ward shall comprise all that part of the said new territory that lies east of the Genesee river.

Assembly
districts.

§ 5. This act shall not affect the assembly districts of the county of Monroe, as now constituted, but the said fifteenth ward shall form a part of third Assembly district, and the said sixteenth ward shall form a part of the first Assembly district.

Election
districts,
&c., com-
mon coun-
cil to or-
ganise,
&c.

§ 6. It shall be the duty of the common council of the said city, and they are hereby authorized to organize in each of the said fifteenth and sixteenth wards convenient election districts, and to appoint for each of such election districts three inspectors of election, with the same powers and duties as other inspectors of elections in the said city, and they shall hold their offices until inspectors of elections for said election districts shall be duly elected and appointed according to law, in the same manner as inspectors of elections are now elected and appointed in the said city.

Officers
for new
wards, ap-
pointment
of.

§ 7. The said common council are hereby authorized, and it shall be their duty, to appoint for the said new ward all the officers which by the provisions of the said charter are to be chosen by the electors in each ward, which officers so appointed shall be residents of the wards for which they are appointed and shall hold their respective offices until the first Monday of April next after the annual charter election,

at which such officers can be elected according to law and the provisions of the said charter as hereby amended.

§ 8. All officers who shall be elected or appointed, as provided by this act, shall take the constitutional oath of office prescribed by law, and be subject to all the provisions of the said charter applicable to similar officers of the said city, respectively. Official oath.

§ 9. The territory taken from the towns of Irondequoit, Brighton, Gates and Greece, and the personal property of the inhabitants thereof now residing thereon, included within the enlarged city boundaries, so long as they shall continue to reside thereon, shall be exempt from the payment of any part of the present city debt, which was contracted for bounties for soldiers, or for the relief of soldiers' families, or for the construction of water-works, or which may hereafter be contracted for the construction or completion of water-works, or any interest which may accrue thereon under and by virtue of chapter three hundred and eighty-seven of the laws of eighteen hundred and seventy-two, or for the expenses of lighting the city, or for the debts embraced in what are known as the "deficiency bonds" of the city. Whenever, however, a majority of the tax-payers on a street within the territory so annexed, shall petition for the extension of the water mains or lamps upon such street for their benefit, the taxable property and residents on said street shall become jointly liable upon their assessment in said territory, with the old territory of said city for such portion of the water debt, if they petition for water mains, as may then remain unpaid, or, if they petition for lights, their proportion for lighting said city. And it is hereby further provided, that the towns from which the territory hereby annexed to the city of Rochester is taken, shall be released from the support of all paupers who are actual residents upon the territory so taken, and they shall thereupon become a charge upon the city of Rochester. The assessors of said city are hereby required to prepare an assessment roll for each of said new wards created by this act and deliver to the supervisors of said wards for the use of the board of supervisors of Monroe county on or before the first day of October, eighteen hundred and seventy-four. Exemption from payment of city debts.

§ 10. All acts and parts of acts, so far as they are inconsistent with or repugnant to the provisions of this act, are hereby repealed or modified so as to conform hereto. But all actions, prosecutions and proceedings which shall have been commenced, and shall be pending or undetermined when this act shall take effect, may be continued, completed, and fully carried out, and executed in the same manner as if this act had not been passed. Extension of water mains, lights, &c., assessments therefor.

§ 11. This act shall take effect immediately. Towns released from support of paupers.

Assessment rolls for new wards.

Repeal, &c.

Pending actions.

Chap. 483.

AN ACT to authorize the city of Elmira to acquire by purchase lands for the purpose of widening the eastern approach to the Lake street bridge across the Chemung river, and to issue the bonds of the city in payment thereof.

Passed May 20, 1874 ; three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

City may
purchase
lands.

SECTION 1. The city of Elmira is hereby authorized and empowered to acquire by purchase such lands with the buildings thereon as the bridge commissioners, acting under and by virtue of the act of the Legislature of this State, entitled "An act to provide for the building of iron bridges across the Chemung river in the city of Elmira and bonding said city to pay the expenses thereof," passed April twenty-fourth, eighteen hundred and seventy-two, shall deem necessary for the purpose of widening Lake street as the same approaches the Lake street bridge across the Chemung river on the east side thereof from the south side of Water street to the bridge abutment sufficiently to accommodate and correspond with the width of the new iron bridge to be erected by said commissioners upon the present site of the said Lake street bridge.

Purpose.

Bonds,
common
council to
issue.

Purpose
thereof.

§ 2. The common council of said city of Elmira is hereby authorized and empowered to cause the bonds of said city to be duly issued to an amount sufficient to pay for such lands and buildings thereon as said city shall purchase as hereinabove provided, the same to be known as bridge bonds for the sole purpose of paying the purchase price of the lands and buildings aforesaid.

Form, &c.

Proviso.

§ 3. Such bonds shall be in such form and payable in such amounts and at such times as the common council of said city of Elmira may direct, and upon annual interest, provided such bonds shall not be sold or disposed of by said common council for less than par value.

§ 4. This act shall take effect immediately.

Chap. 484.

AN ACT to authorize the construction of a bridge over the Tioga river, in the town of Erwin, county of Steuben.

Passed May 20, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Commis-
sioners,
location,
plans, &c.

SECTION 1. Alanson J. Fox, James W. Thompson and Edward E. Townsend are hereby appointed commissioners and authorized to designate location for a bridge over the Tioga river, in the town of Erwin, in the county of Steuben, near the mouth of Mulhollow creek, or the fording place south therefrom, and to cause to be prepared plans and specifications for such bridge, with estimate of the expense of the construction thereof.

Construc-
tion of
bridge and

§ 2. After the preparation of such plans, specifications and estimates, and filing them with the clerk of such town, the said commissioners may

proceed to construct such bridge at the place so designated, and the expense thereof, not exceeding such estimate, may be assessed and levied upon the taxable property of such town to pay the same; provided that, at the next annual election in such town, a majority of all the electors voting therein for and against such bridge shall vote in favor of the same; and provided such commissioners shall, before proceeding to construct such bridge, with sureties, execute and file with the clerk of such town a bond to the supervisor of such town, approved by him, conditioned for the construction of the bridge according to such plans and specifications, and for a sum not exceeding the amount of the estimate so filed, and such sum shall include the expense of location and of plans and specifications.

expenses thereof.
Proviso.

Bond of commissioners.

§ 3. For two successive weeks next preceding such election, the specifications and estimate shall be published in a public newspaper in said town, provided one shall then be printed there; and, if none shall then be so printed, copies of such specifications and estimate shall be posted up in five public places in said town, at least two weeks next prior to such election, and the form of the ballots shall be "For bridge," and "Against bridge."

Notice preceding election.

§ 4. The amount of the expense of constructing the bridge, not exceeding the estimate, shall be paid to the commissioners mentioned in the first section of this act out of the moneys which may be assessed, levied and collected, pursuant to the provisions of this act.

Amount of expense to be paid to commissioners.

§ 5. This act shall take effect immediately.

Chap. 485.

AN ACT to amend an act entitled "An act to provide for the construction of a swing bridge over City ship canal in the city of Buffalo," passed May second, eighteen hundred and seventy-one.

Passed May 20, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seventeen of the act entitled "An act to provide for the construction of a swing bridge over City ship canal in the city of Buffalo," passed May second, eighteen hundred and seventy-one, is hereby amended so as to read as follows:

§ 17. When the said bonds shall be sold as aforesaid, and the proceeds thereof paid into the treasury, the comptroller shall report the fact to the said common council, and thereupon the said city shall enter upon and take possession of the lands and property so taken; and the said common council shall, within sixty days after said report of the comptroller, determine upon the plan and expense of the construction of such bridge, and within one year thereafter shall cause the same to be finished and put into operation. And for the purpose of defraying the expenses of the construction of such bridge and approaches thereto, the said common council are hereby authorized to cause the bonds of said city to be issued and sold, as hereinbefore provided, to an amount sufficient to defray the expense of such construction; and the proceeds of the sale of such bonds shall constitute a fund for that purpose and for no other whatever.

When city may take possession of lands, &c.

Plan, expense and time for completion.

Common council may cause bonds to be issued.

§ 2. This act shall take effect immediately.

Chap. 486.

AN ACT to amend "An act to incorporate the United States Loan and Security Company."

Passed May 20, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of the "Act to incorporate the United States Loan and Security Company," passed June first, eighteen hundred and seventy-two, is hereby amended to read as follows:

Corpora-
tors.

Corporate
name and
location.

§ 1 William H. Fogg, John E. Ward, Charles E. Hill, Spencer C. Blake, John Middleton, their associates successors and assigns, are hereby constituted a body corporate under the name of the American Loan Company, to be located in the city of New York, in the State of New York.

Corporate
powers.

§ 2. Section three of said act is hereby amended to read as follows:
§ 3. The company shall have power to receive money on deposit not exceeding ten times the amount of its paid up capital, or securities for money on deposit, to purchase, invest in, guarantee and sell stocks, bills of exchange, bonds and mortgages and other securities, to guarantee the payment of debts, to make loans of money on real or personal securities, to charge commissions on personal property held on deposit, and when moneys or securities for moneys are borrowed or received on deposit or for investment, the bonds or obligations of the company may be given therefor; but nothing herein contained shall be construed as giving banking privileges.

Proviso.

§ 3. This act shall take effect immediately.

Chap. 487.

AN ACT to incorporate the Rosendale Savings Bank.

Passed May 20, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corpora-
tors

Corporate
name and
location.

First trust-
tees.

Vacancies, how
filled.
Number
may be re-
duced.

SECTION 1. Peter C. Lefever, Israel Snyder, Elias Deyo, Matthew Kays, Andrew J. Snyder, Jonathan Auchmoody, Henry Hardy, Jacob L. Snyder, Simon F. Wood, Simon P. Keator, Simon Schoonmaker, Frederick O. Norton, Jacob H. Davis, Silas Snyder Nathan Keator, James H. Elmendorf, Timothy F. Tillson, Isaac H. Hasbrouck, Benjamin Dubois, Simon Van Wagoner, Guartin J. Keator, Edmund Doremus and David J. Gue, and their successors, shall be and they are hereby constituted a body corporate and politic, by the name of the Rosendale Savings Bank, to be located in the town of Rosendale, Ulster county, and by that name shall have perpetual succession, and may sue and be sued in any of the courts of this State.

§ 2. The persons named in the first section of this act shall be the first trustees of the said corporation, and all vacancies in the office of trustees shall be filled by the board, by ballot, without unnecessary delay, and the vote of a majority of the remaining members of the board shall be necessary to elect a trustee. The board of trustees may, by resolution, reduce the number of trustees to any number not less than

nine, to take effect when vacancies occur by death, resignation or otherwise.

§ 3. The business of the said corporation shall be managed and directed by said board of trustees, who shall elect from their number a president and two vice-presidents, and may elect from their number, or otherwise, such other officers as they may deem expedient; and the votes of a majority of a full board of trustees shall be requisite for the appointment of any officer receiving a salary therefrom, or to fix or to increase the salary of any officer.

Trustees to elect a president, &c.

§ 4. No person being a trustee shall directly or indirectly, receive any pay or emolument for his services, and no trustee, officer or servant of said corporation shall, directly or indirectly, for himself, or as the agent or partner of others, borrow any of the funds of the said corporation, or its deposits, or in any manner use the same, or any part thereof, except to make necessary current payments, or to make investments, or to deposit for safety, under the direction and by authority of the board of trustees; nor shall any trustee, officer or servant of said corporation be an indorser or surety, or in any manner be an obligor, for moneys loaned by or borrowed of the said corporation.

Trustee not to receive pay or borrow from corporation, &c.

Trustee, &c., not to be indorser.

§ 5. A quorum of said board of trustees shall consist of not less than five of whom the president or one of the vice-presidents shall be one; and it shall be lawful for the trustees, in their by-laws, to provide for a larger quorum; but less than a quorum shall have power to adjourn from time to time, or until the next regular meeting.

Quorum.

§ 6. A regular meeting of the board of trustees shall be held once in each month, to receive the reports of their officers, and transact such other business as may be necessary; and the trustees may, in their by-laws, provide for calling special meetings; and any trustee omitting to attend the regular meetings of the board for six months, unless previously excused by a vote of the board, shall thereby vacate his office as trustee, but may, in the discretion of the board, be eligible to a re-election.

Monthly meeting.

Special meetings.

Non-attendance vacates office.

§ 7. The board of trustees of said corporation shall have power, from time to time, to make such by-laws, rules and regulations as they may think proper for election of officers, for prescribing their respective powers and duties, and the manner of discharging the same, for the appointment and duties of committees, and generally for transacting, managing and directing the affairs of the corporation; provided, such by-laws, rules and regulations are not repugnant to nor inconsistent with the provisions of this act, the Constitution and laws of this State or of the United States.

By-laws.

Proviso.

§ 8. The general business and object of the corporation hereby created shall be to receive on deposit any sum or sums of money that may be offered for that purpose, by any person or persons, or by any religious or charitable corporations or societies, not to exceed three thousand dollars from each individual or association, and to invest the same, and declare, credit and pay dividends or interest thereon, as hereinafter authorized, and not otherwise; and all certificates or other evidences of deposit, made by the proper officer of said corporation, shall be as effectual to bind the corporation as if executed under the common seal thereof.

Objects.

Certificates, &c., binding.

§ 9. It shall be lawful for the trustees of the corporation to invest the moneys deposited with them, and the gains or profits thereof, only as follows, to wit:

Investments.

1. In the stocks or bonds, or interest-bearing notes or certificates, of the United States.

In U. S. stock.

- State stock.** 2. In the stocks or bonds or evidences of debt bearing interest, of this State.
- City or county bonds.** 3. In the stocks or bonds of any city, county of this State, issued pursuant to the authority of any law of this State; but not exceeding ten per cent. of the assets of the corporation shall consist of city or county bonds.
- Bonds and mortgages.** 4. In bonds secured by mortgages on improved, unincumbered and productive real estate, situated in this State, worth at least twice the amount loaned thereon; but not to exceed fifty per cent. of the assets of the corporation shall consist of such bonds and mortgages.
- Real estate, power to purchase, &c.** 5. It shall be lawful for the corporation to purchase, lease, hold and convey real estate only as follows: 1. A lot and banking-house requisite for the transaction of its business, and for an income from such portions of the same as are not required for its own use. 2. Such as shall have been purchased at sales upon statute foreclosure, or upon judgments and decrees obtained or rendered for money loaned; and all such real estate as is described in the last preceding clause shall be sold by the trustees within five years after the same shall be vested in the corporation unless, upon application by the trustees, the Superintendent of the Banking Department shall extend the time within which such sale shall be made.
- Personal security to be required.** § 10. In all cases of loans upon real estate, a sufficient bond or other personal security shall be required of the borrower, and all the expenses of searchers,* examinations and certificates of title or appraisals of value, and of drawing, perfecting and recording papers, shall be paid by such borrower.
- Buildings, included in valuation to be insured, &c.** § 11. Whenever buildings are included in the valuation of any real estate, upon which a loan shall be made by said corporation, they shall be insured by the mortgagor for at least two-thirds their value, in such company of this State as the trustees shall direct, and the policy of insurance shall be duly assigned to the corporation; and it shall be lawful for said corporation to renew such policy of insurance, in the same or in any other company of this State as they may elect, from year to year or for a longer or shorter term, in case the mortgagor shall neglect to do so, and may charge the same to him. And all the necessary charges and expenses paid by said corporation, for such renewal or renewals, shall be paid by such mortgagor to such corporation, and shall be a lien upon the property so mortgaged until paid.
- Renewal of policy.** § 12. It shall be unlawful for the said corporation, directly or indirectly, to deal or trade in real estate in any other case, or for any other purpose than as authorized in the ninth section of this act, or to deal or trade in any goods, wares, merchandise or commodities whatever, except as authorized by the provisions of this act, and except such personal property as may be necessary in the transaction of its business.
- Expenses of renewal.** § 13. It shall be lawful for the trustees of the corporation, while awaiting opportunity for the judicious investment of the moneys deposited with them, as authorized and required by this act, to loan the same, or any part thereof, upon the securities mentioned in section nine of this act, and subject to the limitations contained in said section, but not exceeding eighty per cent. of the cash market value of such securities shall be loaned thereon; and should any securities depreciate in value after making a loan thereon, it shall be the duty of the trustees to require the immediate payment of such loan, or a part thereof, or addi-
- Corporation not to deal in real estate, &c.**
- Loan of deposits.**
- When payment on additional security.**

financial security therefor, so that the amount loaned shall at no time exceed eighty per cent. of the market value of the securities pledged therefor.

§ 14. It shall be the duty of the trustees of said corporation, as soon as practicable to invest the moneys deposited with them, and the gains or profits thereof, in the securities named in the ninth section of this act, except an available fund of not exceeding twenty per cent. of the deposits with said corporation, which the trustees may keep to meet current payments, and which may by them be kept on deposit in any bank or banking association, organized under any law or laws of this State or of the United States, or with any trust company incorporated by any law of this State, upon such terms as may be agreed upon; but the sum so kept on deposit in any one bank or trust company shall not exceed twenty per cent. of the capital of such bank or trust company, and shall not exceed twenty-five thousand dollars, or ten per cent. of the whole amount of deposits with this said corporation; or such available fund, or any part thereof, may be loaned by the trustees on call, or on notice not exceeding ten days, upon the securities and in the manner provided in the last preceding section of this act.

Investments of deposits, &c., when and how made.

Fund for current expenses, how it may be deposited, &c.

§ 15. The sums deposited with the said corporation shall be repaid to the depositors thereof, or their legal representatives, at such times and with such interest, and under such regulations, as the board of trustees shall from time to time prescribe, which regulations shall be put and kept up in some conspicuous place in the room where the business of the corporation shall be transacted, and shall also be printed in the pass-book of each depositor, but shall not be altered so as to affect any deposit previously made.

Repayment to depositors, regulations therefor.

§ 16. Whenever any deposit shall be made by any person being an alien or minor, or a female being or thereafter becoming a married woman, the same shall be held for the exclusive right and benefit of such depositor, and free from the control or lien of all persons whatsoever, except creditors, and shall be repaid, together with the dividends or interest thereon, to the person making the deposit, and the receipt or acquittance of such alien, minor, or female shall be a valid and sufficient release and discharge for such deposit to the corporation.

Deposit by alien, minor or married woman, how to be held and repaid.

Receipt.

§ 17. In all actions in any courts of this State, against the said corporation, by a husband to recover for moneys deposited by his wife in her own name, or as her own money, the wife may be examined and testify as a witness in like manner as if she were an unmarried woman. And in all actions against the said corporation to recover for moneys on deposit therewith, if there be any person or persons, whether husband or wife, or otherwise, claiming the same fund, who are not parties to the action, the court in which such action is pending may, on the petition of said corporation, and upon five days' notice to the plaintiff and such claimants, make an order amending the proceedings in said action, by making such claimants parties defendant thereto; and the said court may thereupon proceed to hear and determine the rights and interests of the several parties to said action in and to said funds. The said funds or deposits which are the subject of the said action may, in the discretion of the court, be permitted to remain with said corporation at the same rate of interest as other deposits, to the credit of the action, until final judgment therein, and the same shall be paid by said corporation in accordance with the provisions of said final judgment. The question of costs in the actions referred to in this section shall, in all cases, be in the discretion of the court.

Married woman may be a witness when husband is a party.

How a claimant not a party to an action may be brought in, &c.

Fund may remain to the credit of the action.

Costs.

Rate of interest how to be regulated. § 18. It shall be the duty of the trustees of the said corporation to regulate the rate of interest to be allowed to the depositors in such a manner that they shall receive, as nearly as may be, all the profits of the said corporation, after deducting necessary expenses, and reserving such amount as the trustees may deem expedient or desirable as a surplus fund, which, to the amount of ten per cent. of their deposits, the trustees of said corporation are hereby authorized gradually to accumulate and hold, to meet any contingency or loss in its business; provided, however, that it shall be lawful for the trustees to classify their depositors according to the extent or duration or character of their dealings with the said corporation, and to regulate the rate of interest in such manner that each depositor shall receive a ratable proportion of interest with all others of the same class.

Surplus fund.

Classification of depositors.

Annual reports to the superintendent of the banking department, &c. § 19. The said corporation shall, every year, make reports to the Superintendent of the Bank Department, as required by law, and in such form as he shall prescribe, and the books of the said corporation shall, at all times during business hours, be open to the inspection of the Superintendent of the Bank Department, or of such other person as the Superintendent or the Legislature may appoint as his or their agent for that purpose. Whenever any agent shall be appointed to make any such examination, he shall be paid for his services by such corporation such sum as the Superintendent of the Bank Department shall certify to be just and reasonable.

Agent to be paid by corporation.

Examination, supreme court may order. § 20. The Supreme Court may, at any time, on the application of any trustee or depositor in said savings institution, and on reasonable cause shown therefor to the satisfaction of said court, appoint one or more persons to examine into the investments of said savings institution, and its affairs and business generally. The books, papers and business of said savings institution shall be open and subject to the examination of such person or persons, and the trustees, officers and clerks thereof, or any other person, may be examined on oath by such person or persons; and the same court may confer such further powers on the person or persons so appointed as they may consider necessary for the more thorough and perfect examination of the affairs and business of said corporation. The said person or persons so appointed shall report the result of their investigations to the said court, which, if satisfied thereby that any officer, trustee or servant of said corporation has been guilty of any fraud or misconduct, may remove such person or persons, and make such further order and take such further measures for securing the funds and property of said corporation as the said court shall deem expedient.

Books, &c.

Examination on oath.

Report.

Power of court to secure funds, &c.

Misnomer not to vitiate. § 21. The misnomer of said corporation in any instrument shall not vitiate or impair the same if it be sufficiently described to ascertain the intention of the parties.

General laws applicable. § 22. The corporation hereby created shall be subject to the provisions of the eighteenth chapter of the first part of the Revised Statutes, and all other general laws affecting savings institutions, so far as the same are applicable; and this act may be repealed, or altered, or amended, at any time hereafter.

§ 23. This act shall take effect immediately.

Chap. 488.

AN ACT authorizing the establishment of a ferry across the Genesee river near Charlotte, and incorporating a company for that purpose.

Passed May 20, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Charles H. Chapin, Joseph C. Tone and Bernard W. Tone, Corporators. all of Rochester, New York, and their associates and assigns, are hereby constituted and created a body corporate by the name of "The Summer-ville and Charlotte Ferry Company," and by that name shall have per- Corporate name.petual succession, and may sue and be sued in any court of record, and take and hold such real and personal property as may be necessary for its business.

§ 2. It shall be lawful for said corporation, its successors and assigns, Time and place of establishing ferry. to establish and maintain a ferry across the Genesee river, at such place or places on either of its shores, within two miles of the village of Charlotte, as said company shall select, at any time during the period of twenty years from the passage of this act ; provided, however, that dur- Proviso.ing the continuance of this charter a ferry shall be maintained between the points on each side of the river, from and to which a boat has been run during the past years.

§ 3. The said company, its successors or assigns, shall, previous to the Company to provide, &c., a ferry boat. first day of June, eighteen hundred and seventy-four, place, and at all reasonable hours of the day as hereinafter provided, keep and maintain a good and substantial ferry boat, for the safe conveyance of passengers and baggage, horses and cattle, between the places aforesaid, with safe and skillful ferrymen to attend the same.

§ 4. The county judge of Monroe county is hereby authorized and directed annually, during the continuance of this act, in the month of July, to order and determine the several rates of ferriage, and the hours Rates of ferriage, county judge to fix annually. of a day that a boat or boats shall be kept in readiness belonging to the said ferry.

§ 5. If any higher rate of ferriage shall be taken by the said company, Penalty for taking excessive ferriage. its successors or assigns, or any person employed by them, than is ordered by the said county judge, the person so offending shall forfeit to the injured party five dollars, with costs of suit.

§ 6. If said company, or the keeper of such ferry for the time being, Penalty for neglect or refusal to transport persons and property. shall neglect or refuse, at such hours as the said county judge may direct, to transport and ferry across the said river any person or persons, their horses, goods and chattels for lawful ferriage as herein specified, or shall unnecessarily hinder or delay any person in crossing the said river, the person so offending shall forfeit and pay five dollars to each person so aggrieved.

§ 7. If any person, after the passage of this act, shall transport across Ferrying by other persons forbidden. said river any person or persons or property for hire or pay from, or to any place or places on said Genesee river or either of its shores, within two miles of said village of Charlotte, the person so offending shall forfeit for each transportation, five dollars to the said company, its Penalty therefor, how recovered. successors or assigns, who may sue for the same before any justice of the peace having cognizance thereof ; but nothing herein contained shall

Proviso. be construed so as to exclude any person or persons from the right of conveying or transporting himself or themselves or his or their goods or chattels in his or their own boat across the said river within the points specified in this act.

Repeal. § 8. The act (chapter three hundred and thirteen of the laws of eighteen hundred and fifty-nine), passed the fourteenth day of April, eighteen hundred and fifty-nine, authorizing one Jerome B. Manning to establish a ferry across said river, is hereby repealed; but without prejudice to the rights and privileges of any person or persons claiming under said Jerome B. Manning by virtue of any grant, transfer or conveyance or reservation or exception therein contained, to or from him or to or from any other persons as his assigns.

Bridge, rights of authorities of Monroe county to build. § 9. But nothing in this act contained shall in any way interfere with or abridge the rights of the authorities of Monroe county in building a highway bridge across the Genesee river or in any way make them liable for damages to any party or parties whomsoever by reason of building such bridge.

§ 10. This act shall take effect immediately.

Chap. 489.

AN ACT to amend an act passed April seventeenth, eighteen hundred and sixty-one, entitled "An act authorizing the establishment of the house of refuge for juvenile delinquents in Western New York."

Passed May 20, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Board and clothing of persons sent from western house of refuge, state to pay for. SECTION 1. The third section of chapter three hundred and six of the laws of New York, passed April seventeenth, eighteen hundred and sixty-one, entitled "An act authorizing the establishment of the house of refuge for juvenile delinquents in Western New York," is hereby amended by adding at the end of section three the following: During the confinement of all such persons sent from the said western house of refuge to the penitentiary the State shall pay for the board and clothing of such persons as are now in or may hereafter be sent to such penitentiary, at the same rate as paid for other State prisoners confined in said penitentiary, not exceeding one dollar and fifty cents per week for such board.

§ 2. This act shall take effect immediately.

Chap. 490.

AN ACT to amend chapter five hundred and four of the laws of eighteen hundred and seventy-three, entitled "An act in relation to a certain highway in the county of Hamilton appropriating certain non-resident highway moneys thereto, and repealing acts heretofore passed in relation thereto, passed May fourteenth, eighteen hundred and seventy-three."

Passed May 20, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter five hundred and four of the laws eighteen hundred and seventy-three, being an act entitled "An act in relation to a certain highway in the county of Hamilton appropriating certain non-resident highway moneys thereto, and repealing acts heretofore passed in relation thereto, passed May fourteenth, eighteen hundred and seventy-three," is hereby amended so as to read as follows:

§ 2. The said highway to commence at the present highway on the south line of the farm formerly occupied by Orra Brownell, now occupied by George W. Cole in the town of Hope, and following, as nearly as the commissioners above named shall deem advisable, the survey as made and located in the year eighteen hundred and sixty-seven by and under the direction of the commissioners appointed under chapter five hundred and seven of the laws of eighteen hundred and sixty-seven, so as to strike the present highway near the spot where the dwelling-house formerly occupied by David Stickney stood in the* eighteen hundred and sixty-seven, thence following the mail road to the foot of Lake Pleasant in the town of Lake Pleasant, is hereby constituted a road district for the purposes of this act, subject to the qualifications in this act contained.

Highway constituted a road district.

§ 2. Section three of said act is hereby amended so as to read as follows:

§ 3. All the non-resident highway tax assessed in the town of Hope, all the non-resident highway tax assessed in the town of Lake Pleasant, Wells, except so much thereof as lies in townships six, seven, eight and thirty-one, Totten and Crossfield's purchase; the non-resident highway tax assessed in so much of townships seven, eight, nine and ten, Moose River tract as lies in the town of Morehouse; and the non-resident highway tax on lots in Benton township from lot number one hundred and seventy-one to lot* three hundred and thirty inclusive, are hereby appropriated for the purposes of this act, and the Comptroller of this State shall pay to the said commissioners, or any two of them, all such non-resident highway taxes as shall be returned and admitted by him for the years eighteen hundred and seventy-three, eighteen hundred and seventy-four and eighteen hundred and seventy-five on or before the first day of September in each and every year following the year in which such taxes were levied and assessed, but he shall not be required to pay such moneys to such commissioners unless the report required by this act shall have been filed in his office.

Non-resident highway taxes appropriated.

Comptroller to pay same to commissioners.

Proviso.

§ 3. Section eleven of said act is hereby amended so as to read as follows :

Commissioners may borrow money.

§ 11. The commissioners appointed under this act are hereby empowered and authorized to borrow the sum of two thousand dollars for the purpose of completing the road as laid out by the commissioners appointed under chapter five hundred and seven of the laws of eighteen hundred and sixty-seven, and to repay the same out of the moneys to be secured by them under the provisions of this act.

§ 4. This act shall take effect immediately and continue in force until the provisions thereof are fulfilled, and no longer.

Chap. 491.

AN ACT to amend chapter one hundred and ninety-five of the laws of eighteen hundred and sixty-eight, entitled "An act to provide for the draining of certain swamp lands in the town of New Rochelle, in the county of Westchester."

Passed May 20, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section four of chapter one hundred and ninety-five of the laws of eighteen hundred and sixty-eight, entitled "An act to provide for the draining of certain swamp lands in the town of New Rochelle, in the county of Westchester," as amended by chapter five hundred and forty-seven of the laws of eighteen hundred and seventy, and chapter two hundred and ninety-five of the laws of eighteen hundred and seventy-one, is hereby amended so as to read as follows :

Expenses of drainage a charge upon the town. Commissioners to report same to supervisors. Bonds.

§ 4. Instead of the expense incurred by the commissioners being apportioned upon the owners of the land within said district, the same shall be, and is hereby declared to be, a charge upon the town of New Rochelle, and that for the purpose of fixing the amount chargeable therefor, the commissioners, after the passage of this act, shall be and are hereby authorized and directed to make an account of the expense incurred, to the supervisor of said town of New Rochelle; and after the same shall be adjusted, the supervisor with the town clerk shall have power to issue bonds for the amount thereof, not to exceed the sum of five thousand dollars, which shall be signed by the supervisor and town clerk, and registered by the clerk in the town book, and the same shall become a town charge, and one thousand dollars of said amount shall be included each year in the annual tax levy, together with the interest upon the whole sum until the same shall be fully paid. The said commissioners shall, when notified by the supervisor of said town, render a report to said supervisor and the board of town auditors of said town, which report shall be verified by the oath of said commissioners or a majority of them, and shall contain a full, true and correct statement of their expenditures under this section, and of the manner of such expenditure, and also of the indebtedness contracted by said commissioners and remaining unpaid. The board of town auditors is empowered to investigate the proceedings of said commissioners and to audit and adjust their accounts, and to send for persons and papers and examine witnesses for the purpose of such investigation. The supervisor is authorized, in the name of said town, to commence any action

To be included in tax levy.

Commissioners to report to supervisors and board of auditors.

Board of auditors to audit accounts.

Action against commis-

against said commissioners that may be necessary to recover any part of the proceeds of said bonds which shall not have been expended by them, or which they shall not have disposed of in accordance with the provisions of this act; and any amount recovered of said commissioners, by said supervisor, shall be applied by him to the payment of the indebtedness contracted by said commissioners and remaining unpaid.

§ 2. This act shall take effect immediately.

Chap. 492.

AN ACT to incorporate The Home for the Friendless in Northern New York.

Passed May 20, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the passage of this act the association known as "The Home for the Friendless in Northern New York" shall still hold that name.

§ 2. Margaret F. Platt, Catharine Frederica Bulkley, Deborah T. F. Bixby, Margaret D. Edwards, Hannah S. Lansing, Sarah S. Williams, Joanne W. Clark, Mary M. Foot, Margaret S. Palmer, Wealthy H. Orvis, Francis D. L. Hall, Charlotte M. Norton, Margaret P. Myers, and all such persons as now are members of the association called "The Home for the Friendless in Northern New York," and all who shall become members of the corporation hereby created, shall be and they are hereby constituted a body corporate by the name of the Ladies' Association for establishing a Home for the Friendless in Northern New York, whose object and business shall be to establish and maintain a house of industry and home for the relief of friendless, destitute or unprotected females, and for friendless or unprotected children.

§ 3. There shall be a board of female managers of said association who shall select from their number an executive committee to conduct the business of the association in the manner prescribed by the constitution and by-laws of the aforesaid association as the same now exist, or as the same shall be adopted or altered by the corporate body hereby constituted; but the same shall be in accordance with the laws of this State, and such managers shall be elected annually or otherwise as is or may be prescribed by such constitution and by-laws.

§ 4. Said corporation shall have power to purchase and hold real estate sufficient for the actual occupation and necessary use of the association, and to receive by gift or devise in the same manner and subject to the same restrictions as provided in the general law for the incorporation of religious and benevolent associations, and to hold and convey such real estate, and shall be deemed to be possessed of the rights and to be subject to the liabilities of corporations according to the provisions of title third, chapter eighteenth, part first of the Revised Statutes, so far as the same may be applicable; provided, however, that the annual income of any real estate belonging to said corporation shall not exceed the sum of ten thousand dollars.

§ 5. The board of managers shall have power to appoint matrons and such other assistants as they may deem necessary in conducting the domestic and internal concerns of their house or houses of industry and "Home for the Friendless;" to make any by-laws and regulations for

the government of their own proceedings and those of the persons so appointed, and of other inmates of their house or houses; to govern the children under their care and prescribe their course of instruction and management to the same extent and with the same rights as exist in the case of natural guardians.

Board of
managers
may ap-
prentice.

§ 6. In all cases where a child shall have been surrendered by its natural or other legal guardians to the care and management of the association by any instrument or declaration in writing, it shall be lawful for the said board of managers, at their discretion, to place such child by adoption or at service in some suitable employment, and with some proper person or persons, conformably to the laws of this State, in regard to the binding out of indigent children, provided that in all such cases the terms of the indenture shall be approved by the surrogate of Clinton county; but in every such case the requisite provisions shall be inserted in the indenture or contract of binding to secure the child so bound, such treatment, education or instruction as shall be suitable and useful to its situation and circumstances in life.

Stipend
from
school
fund.

§ 7. The children instructed in the school connected with the houses aforesaid, shall be entitled to draw an annual stipend from the public school fund, according to the average number in attendance, in the same manner as do the children of other benevolent asylums, and the public schools of this State.

§ 8. The Legislature may at any time alter or repeal this act.

§ 9. This act shall take effect immediately.

Chap. 493.

AN ACT to extend the time for the completion of the New York and Albany railroad.

Passed May 20, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The New York and Albany railroad company shall have five years in addition to the time they now have by law for complying with the requirements of the forty-seventh section of "An act to authorize the formation of railroad corporations, and to regulate the same," passed April second, eighteen hundred and fifty.

§ 2. This act shall take effect immediately.

Chap. 494.

AN ACT to amend an act entitled "An act to incorporate the city of Rome," passed February twenty-third, eighteen hundred and seventy.

Passed May 20, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Police off-
cers to ar-
rest any

SECTION 1. Section one of title seven of said act is hereby amended by adding thereto as follows: It shall be the duty of any police officer or constable of said city, to apprehend any person who shall violate any

ordinance of said city now in force, or which may hereafter be in force, and bring such person before the said recorder, who may summarily examine into the matter. If the recorder shall find such person guilty of such violation, he may adjudge such person to pay a fine, which shall not exceed, in each case, the amount of the penalty provided in such ordinance for the violation thereof; and shall not exceed the sum of fifty dollars in any one case, besides costs, which shall not exceed five dollars in each case; and may commit such person to the jail in said city until such fine and costs be paid, but for not more than thirty days in any one case.

§ 2. This act shall take effect immediately.

Chap. 495.

AN ACT in relation to certain assessments for sewers in the city of Brooklyn.

Passed May 20, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The common council of the city of Brooklyn, are hereby authorized to determine whether all amounts charged or imposed for and as interest on all assessments for sewers in map "N," of the sewer plan or districts of the city of Brooklyn, shall be remitted. And the said common council may direct the collector of taxes of said city, or other proper officer, whose duty it is to collect and receive the amounts of said assessments, to receive, from persons who desire to pay any amount on account of said assessment, the amount of principal and interest thereon only, as hereinafter provided, and in such case, there shall not be charged or received any amount as interest thereon, or default for non-payment thereof, accrued prior to the day of the date of the passage of this act.

Interest,
common
council
may re-
mit.

§ 2. The said common council are also authorized to determine whether persons assessed for said sewers in said map "N," who desire to pay any amount on account thereof, may pay over unto the proper officer authorized to receive the same the whole amount of principal of such assessment, with interest thereon from the day of the date of the passage of this act; and the said common council may also determine whether said assessments for said sewers in said map "N," may be paid as follows, to wit: one-third of the amount of principal of such assessment laid or imposed on any lot or lots of land, and interest, as aforesaid, on the whole amount of the principal of such assessment within one year from the day of the date of the passage of this act; one-third thereof, and interest, as aforesaid, on two-thirds thereof, within two years from the day of the date of the passage of this act; and the remaining one-third thereof, and interest as aforesaid, within three years from the day of the date of the passage of this act.

Common
council
may de-
termine
manner of
levying
assess-
ments.

§ 3. The common council of the city of Brooklyn are hereby authorized to determine whether all assessments for sewers in map L of sewer plan, or districts, in the city of Brooklyn, and all assessments for sewers in subdivisions numbers twenty-two, twenty-three and twenty-five on said map, shall be payable as follows: one-fourth part of each assessment, as it may be confirmed, at the expiration of one year from the time of the confirmation of said assessment; one other fourth part at

Assess-
ments for
surveys in
map L,
common
council
may deter-
mine time
of pay-
ment.

the expiration of two years from the time of the confirmation of said assessment; one other fourth part at the expiration of three years from the time of the confirmation of said assessment; the balance of said assessment at the expiration of four years from the time of the confirmation of said assessment. If the said common council shall determine that the said assessments for said sewers in said map L shall be payable as aforesaid, interest at the rate of seven per cent. per annum upon the whole assessment shall be charged upon and collected with the first installment of said assessment, and interest upon the whole amount of the assessment remaining unpaid, calculated with semi-annual rests, shall be charged upon and collected with each of the other installments so provided to be paid. Such interest shall be part of the assessment when due as aforesaid. Upon any default in payment, interest and default, as now provided by law, shall be collectable. This act shall apply to any assessment confirmed before its passage, in such manner as that the time of payment thereof may be extended so as to conform to the provisions hereof. If the time of payment shall be extended as aforesaid any person may pay the whole assessment upon his property at any time, but with the interest and default then run or accrued.

Interest.

Deficiency.

§ 4. The board of city works of the city of Brooklyn shall compute the amount of any deficiency, if any there be, in the funds applicable to the payment of the bonds issued for and on account of the building of said sewers, caused by the provisions of this act, and he shall certify the amount thereof to the common council of said city, who shall thereupon direct the proper financial officers of said city to appropriate from and pay out of the revenue fund, or any other fund of said city, the amount of such deficiency, if any, to the holders of said bonds, when said bonds by their provisions become due.

§ 5. This act shall take effect immediately.

Chap. 496.

AN ACT relative to filling in certain low lands in the city of Brooklyn.

Passed May 20, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Contracts for filling in lots, &c., how to be construed.

Expenses, how borne.

Provisions of existing laws not to apply.

SECTION 1. All contracts heretofore made, or which shall be hereafter made under the authority of the mayor and common council of the city of Brooklyn, for the filling in of low lots or lands in said city, which shall include within their boundaries as defined by streets and avenues, or otherwise, a portion of any street or avenue not yet graded, shall be held and taken to include the filling in of such portion of the street or avenue included therein, in the same manner, and to the same extent, as the lots or lands adjoining the same. The whole expense of said street filling shall be borne by, and assessed upon, the lots or lands fronting upon the portion of said street or avenue so filled in.

§ 2. No provisions or limitations of existing laws, as to the cost of local improvements in the city of Brooklyn, or as to the amount which may be assessed on the property benefited thereby, shall apply to any of the work authorized in this act, the doing of which has been, or shall be declared to be, necessary for the promotion or preservation of the

public health, by the votes of a majority of the members elected to the common council of said city, and approved by the mayor thereof.

§ 3. The resolution adopted by the common council of the city of Brooklyn, on the tenth day of November, eighteen hundred and seventy-three, and approved by the mayor of said city on the seventeenth day of November, eighteen hundred and seventy-three, providing for the filling in of the low lots or lands situate between Sixteenth street and Prospect avenue, and Eighth avenue and Ninth avenue in said city, and also the resolution adopted by the common council of said city on the first day of December, eighteen hundred and seventy-three, and approved by the mayor of said city on the tenth day of December, eighteen hundred and seventy-three, providing for the filling in of low lots or lands situated on the north side of Twentieth street from Tenth avenue to the city line in said city each, to a level or grade two feet above the line of sewer drainage, is hereby confirmed and made valid and effectual, and the board of city works of said city are hereby authorized and directed to execute and carry out the provisions of said resolutions.

Resolutions of the common council approved.

§ 4. The said board of city works are hereby further authorized to complete the filling of the low lots or lands situated between Twelfth and Fourteenth streets and between Gowanus canal and Third avenue in said city according to the terms and prices of the contracts heretofore made therefor, and payment for the work heretofore done or hereafter to be done under said contracts, shall be made to the person or persons holding the contracts and doing the work, at the rates and according to the provisions now by law made for payment for such work.

Board of public works may complete the filling in of certain low lots or lands.

§ 5. This act shall take effect immediately.

Chap. 497.

AN ACT to amend the charter of the city of Poughkeepsie, and to consolidate with it other acts relating to said city.

Passed May 20, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

The charter of the city of Poughkeepsie is hereby amended so as to read as follows:

TITLE I

SECTION 1. The district of country in the county of Dutchess, now comprised in the city of Poughkeepsie, and included within the following boundaries, viz: Beginning at the mouth of a brook falling into the Hudson river, on the north line of lands of the estate late of Henry A. Livingston, deceased, and adjoining lands of Alexander Fox; thence south, eighty-seven degrees and thirty minutes east, as the magnetic needle in eighteen hundred and fifty-three pointed, one hundred and thirty chains to a stone set, marked C, in the lands late of William H. Worrall; thence again, from the mouth of the brook aforesaid, northerly along the Hudson river, including the flats or shoals between high water mark and the channel of said river, to the mouth of another small brook, or where the same joins the water of the Hudson river aforesaid, which last-mentioned brook is

City boundaries.

commonly known by the name of Kidney's creek or kill, and divides the lands formerly owned by Robert L. Livingston from the land of Abram Pells; thence from the mouth of the last-mentioned brook up the middle of the same, however it runs, to the west side of the post-road leading to Albany, to a point thirty-five links southerly from the northeast corner of land of late owned by Edward Giraud; thence south, eighty-seven degrees thirty minutes east, parallel with the south line of said corporation as above named, ninety-two chains eight links to a stone set, marked C, in the lands of Thomas Sweet, westerly of the road leading to Union corner in Hyde Park, said stone being the northeast corner of the corporation, and is distant from the Hudson river in a direct line one hundred and thirty chains; thence south, three degrees fifty-five minutes west, one hundred and thirty-nine chains and sixty links (passing through the cooper shop late of Thomas R. Osborn on the north side of the Dutchess turnpike), to a stone set, marked C, as aforesaid, in the lands late of William H. Worrall—the chaining on the above lines being surface measurement—shall be a city known as the city of Poughkeepsie; and the citizens of this State from time to time inhabitants within said boundaries, shall be a corporation by the name of the city of Poughkeepsie, and as such may sue and be sued, complain and defend, in any court of law or equity of this State.

Name.

First
ward,
bound-
ries of.Second
ward.Third
ward.Fourth
ward.Fifth
ward.Sixth
ward.

§ 2. The said city shall be divided into six wards, as follows: All that part lying northerly of the center of Main street, and westerly of the center of North Bridge street to where it terminates into Washington street, and from that point westerly of the center of Washington street to the northern boundary of the city, shall be the first ward; all that part lying southerly of the the center of Main street, and westerly of the center of South Bridge street to the center of Church street, and northerly of the center of Church street from said Bridge street to a point opposite the center of Jefferson street, and westerly of the center of Jefferson street, and of a line from the termination thereof south, to the southern boundary of said city, shall be the second ward; all that part lying northerly of the center of Main street, between North Bridge and Catharine streets, easterly of the center of North Bridge street to where it terminates into Washington street, and from that point easterly of the center of Washington street to the northern boundary of the city, and westerly of the center of Catharine street and northerly of the center of Cottage street to North Hamilton street, and westerly of the center of North Hamilton street, and of a line from the termination thereof, north, to the northern boundary of the city, shall be the third ward; all that part lying southerly of the center of Main street, between South Bridge street and Academy street, and westerly of the center of Academy street, and easterly of the center of South Bridge street to Church street, southerly of the center of Church street, from South Bridge street to Jefferson street, and easterly of the center of Jefferson street and of a line from the termination thereof, south, to the southern boundary of said city, shall be the fourth ward; all that part lying northerly of the center of Main street, from Catharine street, and easterly of the center of Catherine street to Cottage street, southerly of the center of Cottage street to North Hamilton street, and easterly of the center of North Hamilton street and of a line from the termination thereof, north, to the northern boundary of said city, shall be the fifth ward; and all that part lying southerly of the center of Main street, east of Academy street, and easterly of the center of Academy street, shall be the sixth ward.

TITLE II.

OF THE ELECTION AND APPOINTMENT OF CITY AND WARD OFFICERS.

SECTION 1. The officers of said city shall consist of one mayor, two City off- assessors, one recorder, two justices of the peace, four constables, one cers. city attorney, one treasurer, twelve commissioners of schools, six water commissioners, and six commissioners of the alms-house, to be elected by the city at large; two aldermen and one supervisor to be elected in each ward; and one chamberlain, one superintendent of streets, one city engineer, one marshal, one chief engineer of the fire department and two assistants, and such other officers as are herein authorized, who shall be appointed by the mayor and common council upon the nomination of the mayor, except as hereinafter provided.

§ 2. An election shall be held in each of the wards of the said city on the first Tuesday of December in this and every year hereafter. Annual election.

§ 3. The mayor and common council, now in office and herein authorized to be elected, shall give public notice of all elections under this act, by notice to be published at least two weeks in all the newspapers printed in said city, once a week, until the time of holding such election; and at such first and every subsequent election, so to be held under this act, three inspectors of election shall be elected in each ward in the manner prescribed by law; and the provisions of the law concerning elections, other than for militia, passed April fifth, eighteen hundred and forty-two, with the amendments and additions thereto, are hereby declared applicable to said city of Poughkeepsie and to the elections to be held under this act, except so far as they may be inconsistent therewith. And the mayor, treasurer, assessors, constables, commissioners of schools, water commissioners and commissioners of the alms-house of said city, and the aldermen, supervisors and inspectors of election of each of the wards of said city, in office at the time of the passage of this act, shall hold their respective offices only till the first day of January next preceding the expiration of the terms for which they have been respectively elected or appointed by the provisions of the act hereby amended. The recorder and justices of the peace elect and in office at the passage of this act shall enter upon and hold their offices for the terms for which they were respectively elected. Election notices, how and by whom given. Inspectors to be elected. Present mayor, treasurer, &c., how long to hold office.

§ 4. The said wards shall constitute the election districts for all State, general and other elections to be held in said city; and the inspectors, chosen under this act, shall be inspectors of all such elections, and shall possess the powers and discharge all the duties of such inspectors; and all provisions of law applicable to election districts, and to the inspectors of elections therein, shall apply to said wards and said inspectors. Election districts. Inspectors.

§ 5. Every inhabitant, residing in said city who shall, at the time and place of offering his vote, be qualified to vote for member of Assembly, shall be entitled to vote for all officers to be elected by virtue of this act, in the ward or district where he shall be so qualified. Qualification of voters.

§ 6. The city chamberlain shall give notice, in writing, of every election to be held under this act, to the inspectors of elections of the several election districts in said city, at least one week before the day of election; and said inspectors shall proceed as provided by the general laws of the State in relation to elections other than in towns. They shall provide one ballot box, to be marked "City." All ballots shall be indorsed "City" and shall contain the votes of the electors depositing them for all the offices to be filled at the election. The chamberlain shall give notice to each of the inspectors of the several wards of said city of the first meeting of said inspectors as a board of registry, in accordance with the provisions of the act. Notice of election, city chamberlain to give. Ballot box and ballots. Notice of first meeting of board of

registry,
chamber-
lain to
give.

dance with the law regulating the registry of votes, at least two weeks before the time prescribed by law for such first meeting, by depositing such notice in the post-office at said city, directed to every such inspector at said city, or by personal service thereof upon such inspector.

Hours the
polls are
to be
open.

§ 7. The polls of the elections in the several election districts, at the said city elections, shall be opened at eight o'clock in the morning of the day of election, and shall be kept open, without intermission or adjournment, until five o'clock in the afternoon, when they shall be finally closed; and the inspectors shall forthwith, without adjourning, canvass the votes received by them, and certify and declare the results, stating the number of votes given for each person for each office, and shall file such statement and certificate on the same or the next day, with the city chamberlain, who shall forthwith notify the several aldermen elect of their election.

Canvass of
votes, &c.

Certifi-
cates of
election to
be made
and filed.

§ 8. At the next stated meeting of the common council after said election, the statements of votes filed with the city chamberlain by the inspectors of election shall be produced by the chamberlain. The common council shall forthwith determine, declare and certify, in the manner now provided by law, who is elected to the office of mayor, and shall also in the same manner determine, declare and certify who are duly elected at the said election to the various offices hereinbefore named; such certificates shall be made in duplicate, one of which shall be filed with the city chamberlain, and the other with the clerk of Dutchess county.

Notice of
election.

Official
oath.

§ 9. The city chamberlain, immediately upon the filing with him of the certificate specified in the last section, shall notify, in writing, every person so certified to have been elected, of his election. Every person elected to any office under this act, before entering on the same, shall take the oath of office prescribed by the Constitution of this State before the mayor or some other officer authorized to take affidavits to be read in courts of justice, and file the same with the city chamberlain, except the mayor, chamberlain, justices of the peace and recorder, whose oaths shall be filed with the clerk of Dutchess county; and every person so elected, except justices of the peace and the recorder, who shall refuse or neglect to take and file the said oath of office for ten days after personal notice in writing of his election from the chamberlain, shall forfeit twenty-five dollars to the use of the city, and be deemed to have declined the office.

Penalty
for neglect
to take.

Term of
office,
com-
mence-
ment
thereof.

§ 10. The term of office of all the officers to be elected under this act shall commence on the first day of January next ensuing their election, and each of such officers shall take the oath of office within ten days thereafter, and file the same as provided in the last section, or be deemed to have declined their offices respectively.

Term of
office of
recorder.

Of justices
of the
peace.

§ 11. The recorder shall hold his office for the term of four years, and until his successor shall qualify and enter upon his office.

§ 12. The justices of the peace to be elected under this act shall hold their offices for four years; a justice of the peace shall be elected in said city every two years.

Of assess-
ors.

§ 13. The assessors shall hold their offices for two years, and at every annual election hereafter one assessor shall be elected for said city.

Of alder-
men.

§ 14. The aldermen shall hold their offices for two years; at each annual election hereafter one alderman shall be elected for each ward, and shall hold his office for two years.

Of mayor,
city attor-
ney, &c.

§ 15. The mayor, city attorney and treasurer of said city shall hold their office for two years, and until their successors shall qualify, except the city attorney and treasurer elected at the first election held under

this act, who shall hold their offices for one year. All other officers elected or appointed under this act, except aldermen, recorder, commissioners of schools, water commissioners, commissioners of the alms house, justices of the peace and assessors, shall hold their offices for one year and until their successors shall qualify. But the mayor or common council may remove at pleasure any officer appointed by them, and upon the nomination of the mayor the common council may appoint another in his stead, who shall hold until the expiration of the term of his predecessor, subject to the like power of removal.

Of other officers.

Removal from office.

§ 16. If a vacancy shall happen in any elective office, the common council shall fill the same by appointment until the next annual election, when the residue of the term of office, if their shall be any unexpired, of the officer whose term shall have become vacant, shall be filled by some person to be elected to such office for the residue of such term, according to the provisions of this act.

Vacancy, how filled.

§ 17. No property qualification shall be required to hold office under this act; but every person elected or appointed to any office elected hereby shall be an elector and a resident of the city; and no person shall be elected an alderman or supervisor of any ward unless he shall also be at the time of such election a resident of such ward; and if such officer shall remove out of said ward during his term of office, he shall be deemed thereby to have vacated his office; and the removal from the city of any officer, elected or appointed under this act, shall render the office held by him vacant from the time of such removal.

Qualification for office.

Vacating office.

§ 18. At the first regular meeting of the common council after their organization, subsequent to the annual election as prescribed in this act, or at some subsequent meeting, and as soon thereafter as may be, it shall be their duty to appoint upon the nomination of the mayor, one city chamberlain, one city engineer, one superintendent of streets, one marshal, one city sealer, one chief engineer of the fire department and two assistants, and sixteen fire wardens, who shall hold their offices for one year, in the manner provided by this act. The common council, upon the nomination of the mayor, shall have power to appoint, at any time they may consider the same necessary for the public interests, so many watchmen and special constables as they may deem best, all of whom shall hold their offices at the pleasure of the common council.

Officers to be appointed by common council.

Term of office.

Watchmen and special constables.

§ 19. Every person elected or appointed treasurer under this act, before he enters upon the duties of his office, and within ten days after being notified of the amount at which the common council have fixed the penalty of his bond, shall execute to the city of Poughkeepsie a bond, with two or more sureties, to be approved by the common council, in such penalty as said council shall have directed, conditioned for the faithful performance of his duties as treasurer, and that he will account for and pay over all moneys received and collected by him at any time, under the warrant or authority of the city, to the proper officer appointed to receive the same, which bond shall be duly acknowledged before some officer authorized to take acknowledgments, and the sureties therein shall justify in at least double the amount thereof. If the common council shall approve of the form and execution of said bond and the sureties thereto, they shall cause such approval to be indorsed thereon. Before any warrant to collect county taxes shall be delivered to said treasurer, he shall execute a bond of the penalty and in the manner, with the sureties, and of the condition required by law of town collectors. The said bond shall be executed and delivered to the supervisors of the city, and shall be approved by a majority of them.

Treasurer's bond.

Approval thereof.

His bond as collector of county taxes.

Bonds to be filed and be a lien.

Suits thereon.

Liability of treasurer.

Chamberlain, superintendent of streets, &c., may be required to give bonds.

Bonds to be filed and recorded.

Constable's bond.

Limitation of action thereon.

Certified copy, evidence.

Failure to execute bond, effect of.

Penalty for not delivering property, &c., to successor in office.

§ 20. Both said bonds shall, after their execution and approval, be filed with the clerk of Dutchess county, and every such bond shall be entered by said clerk and shall be a lien on the real estate of the collector and his sureties in the manner and to the same extent as now provided by law in case of bonds of town collectors, and in case of any breach of the condition of said bonds, suits may be maintained thereon by the city of Poughkeepsie upon any bonds given for the collection of city taxes, and by the supervisors of said city or their successors in office upon any bonds given for the collection of the county tax as aforesaid.

§ 21. Such treasurer and his sureties shall also be liable to the same proceedings to enforce the payment of money collected on any warrant issued by the supervisors of the county as are provided by law in respect to town collectors and their sureties.

§ 22. The chamberlain, superintendent of streets, and such other officers as may be required thereto by the common council, shall severally, before they enter upon their offices, execute a bond to the city of Poughkeepsie, in such sums as the council shall direct, and with such sureties as the mayor shall approve, conditioned that they shall faithfully discharge the duties of their respective offices, and pay over all moneys received by them respectively. And all bonds given by such officers shall be filed by the mayor in the office of the clerk of the county of Dutchess, and by said county clerk recorded at length in a book to be kept for that purpose, for which he shall receive the same fees as are now by law allowed for recording deeds—to be paid by the city.

§ 23. Every person elected to the office of constable in said city shall, before he enters on the duties of his office, execute with two sureties, to be approved by the mayor, an instrument in writing, which shall be acknowledged by all the parties in the manner that deeds are required to be acknowledged by law, and filed with the chamberlain, and by which said constable and his sureties shall jointly and severally agree to pay to each and every person who may be entitled thereto all such sums of money as said constable may have become liable to pay by reason or account of any execution or other precept which shall have been delivered to him for collection. All actions on any such instrument shall be prosecuted within two years after the expiration of the year for which such constable shall have been elected or appointed, and may be brought in the name of the person or persons entitled to any money to be collected by virtue of said instrument. A copy of such instrument certified by the chamberlain and the city seal, shall be presumptive evidence in all courts of the execution thereof by said constable and his sureties.

§ 24. If any officer who shall be required by any of the provisions of this act, or by any ordinance of the common council, to execute any bond or other instrument before entering upon the duties of his office, shall fail to execute the same in the manner prescribed by this act, or by any such ordinance, within ten days after he shall have been duly notified to do so, the common council may declare his office vacant and proceed to cause the same to be filled, in the manner provided in this act in cases of vacancies in offices.

§ 25. If any person having been in office in said city shall not, within ten days after notification and request, deliver to his successor in office all property, papers and effects of every description in his possession or under his control belonging to said city, or appertaining to the office so held, he shall forfeit and pay to the use of said city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver.

TITLE III.

OF THE COMMON COUNCIL.

SECTION 1. The mayor and aldermen of the city shall constitute the common council thereof. The common council shall meet at the city hall, or at such other place as the mayor shall designate, annually, on the first day of January in each year, unless the same shall be Sunday, in which case they shall meet on the next day, and at such times as hereinafter provided. At all meetings of the common council, the mayor, when present, shall preside, and, in his absence, one of the aldermen may be called to the chair.

Common council, how constituted.

Time and place of annual meeting.

Mayor to preside.

§ 2. In the proceedings of the common council each member present shall have a vote, except the mayor when presiding, who shall have only a casting vote when the votes of the other members are tied.

To have casting vote.

§ 3. The sittings of the common council shall be public, except when the public interest shall require secrecy. The minutes of the proceedings shall be kept by the chamberlain; and the same shall be open at all times to public inspection.

Sittings to be public.

§ 4. A majority of the common council shall be a quorum for the transaction of business, but no tax or assessment shall be ordered, nor any appointment made, except by a concurrent vote of a majority of all members of the council in office; and every resolution or ordinance of the common council (excepting those prescribing rules for their own government and appointing officers) shall, before it takes effect, be presented, duly certified, to the mayor; if he approve of it he shall sign it, in which case it shall take effect immediately thereafter unless otherwise ordered; if he do not approve of it he shall return it with his objections, to the city chamberlain, within ten days after he receives it. The council may then proceed to reconsider the same, and if two-thirds of all the members elected then agree to pass the same, it shall take effect as if it had duly received the mayor's signature. In every such case the votes shall be taken by yeas and nays, and entered on the minute of the meeting, and the objections of the mayor shall also be entered thereon at length by the chamberlain with the other proceedings. If such ordinance or resolution shall not be returned to the chamberlain by the mayor within ten days after its receipt by him, it shall take effect in like manner as if he had signed it.

Quorum.

Tax, &c.

Veto power of mayor.

Two-third vote required to pass over veto.

§ 5. The common council shall hold stated meetings at least twice in each month; and the mayor, or in his absence, any three aldermen may call special meetings by notice in writing served personally upon the other members of the council, or left at their usual place of abode.

Stated meetings.

Special meetings.

§ 6. The common council shall determine the rules of its own proceedings, and be judge of the election and qualifications of its own members, and have power to compel the attendance of absent members from time to time; to prescribe the duties of all the officers and persons appointed by them to any office or place whatever, subject to the provisions of this act; and to remove all officers and persons appointed by them for any neglect of duties or misconduct; and to revoke or cause to be revoked any license given under this act; provided that no such license shall be revoked until after notice and an opportunity to be heard has been given to the person holding such license.

Powers of common council.

Revocation of license.

§ 7. All accounts and claims against the said city, and all accounts and claims for services rendered, or moneys expended by any officer within said city, which would be charges and accounts against a town if they were rendered or expended by the officers thereof, shall, except as hereinafter provided, be presented to the common council, and the

Auditing accounts and claims against the city.

same shall be referred to a standing committee of said board, to be composed of one member from each ward, to be called "Committee on Auditing Accounts." It shall be the duty of said committee to inquire or examine into said accounts, and they may send for persons and papers, and may examine the claimant on oath in respect thereto. The said committee shall report the matters referred to them to the common council, either favorably or adversely, with their reasons, and the said common council shall then hear, examine and determine the same as a board of town auditors, and for that purpose shall possess the powers and be subject to the duties of town auditors.

Powers of common council to make by-laws, &c.

§ 8. The common council shall have the management and control of the finances, and of all the property, real and personal, belonging to said corporation, except as hereinafter provided, and shall have power within said city to make, establish, publish and modify, amend and repeal rules, regulations and by-laws for the following purposes:

To prevent vice, &c.

To prevent vice and immorality, to preserve peace and good order, to prevent and quell riots and disorderly assemblages.

To suppress gaming houses.

To restrain and suppress disorderly and gaming houses, all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices within the said city.

To prohibit exhibitions or license the same.

To prohibit all exhibitions of any natural or artificial curiosities, caravans, circuses, theatrical and other shows, or exhibitions, or performances for money, within the bounds of the city, or, if the common council shall deem it advisable, to license the same, upon such terms as the common council shall direct.

To suppress houses of ill-fame, &c.

To suppress and restrain disorderly houses, or houses of ill-fame, and houses and places where intoxicating liquor is sold to be drank, and to prohibit the sale of intoxicating liquors without license, or contrary to law.

To remove nuisances, &c.

To determine the existence and direct the removal of a public nuisance, in any part of the city, and if the same be not removed in such time as the council shall direct, to cause the same to be removed at the expense of the city, and to declare such expense to be a lien on the lot upon which such nuisance may be, and to enforce the collection by leasing or selling the premises in the manner provided in this act for the collection of taxes or assessments, or by action against the owner of the lot, or any other person who may have erected, suffered or maintained such nuisance; and in case of the neglect or refusal to abate any nuisance the common council may impose a penalty therefor, and enforce the collection thereof, as prescribed by this act.

Penalty for neglect to abate nuisance.

Combustible and explosive substances, storing, sale and manufacture thereof.

To direct the location of all houses for storing gunpowder, camphene, kerosene oil, nitro-glycerine and other combustible and explosive substances, and to regulate the keeping, selling and conveyance thereof, and to prescribe the limits within said city for the manufacture and sale thereof, and to regulate the standard of all burning fluid and combustible oils used or sold, or held for sale in said city, and to regulate the use of candles and lights in barns, stables and out-buildings.

To prevent horse racing, games, &c.

To prevent horse-racing and immoderate driving in the streets of said city, to prohibit and punish the flying of kites, and every other game, practice or amusement in the public streets or elsewhere, having a tendency to frighten teams and horses, or to injure or annoy persons passing in or along the highways of the city, or to endanger property.

Bathing places.

To regulate and determine the places of bathing in the river, streams or ponds within said city.

Vagrants, &c.

To restrain and punish vagrants, mendicants, street beggars and common prostitutes.

To establish and regulate public pounds.

To restrain the running at large of cattle, horses, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and cost of keeping and proceedings. Public pounds.
Animals
at large.

To prevent or regulate the ringing or tolling of bells, except those of railroad cars and engines, blowing of horns or crying of goods or wares, firing of guns, powder or other explosive compounds, and the making of any improper noise which may tend to disturb the peace of the city, and the sale of fire-crackers, rockets, squibs and other explosive compounds. Ringing of
bells, fir-
ing of
guns, &c.

To make regulations for taxing and confining dogs, and for destroying such as may be found running at large contrary to any ordinance. Dogs.

To direct the keeping and returning of bills of mortality, and to compel all physicians, under a penalty, to file with the chamberlain a certificate of the death of any person dying in said city while under the charge of such physician. Bills of
mortality.

To regulate and keep in repair the fire-engines, hose-carts, hose and hooks and ladders belonging to the said city, and the public buildings of said city. Fire-en-
gines, &c.

To regulate the sale of fish, meats and vegetables within said city; to regulate or prohibit the making or keeping of markets for the sale of meat or fish, except at such places as the common council shall designate, and to regulate or prohibit the erection, keeping or using of slaughter-houses and tanneries within the said city. Sale of
fish,
meats,
&c.

Concerning the lighting of the said city, and the protection and safety of the public lamps; to assess and collect from the real and personal estate within the lamp districts the amount required under the provisions of this act. Lighting
of the city,
&c.

To regulate and restrain hawking and peddling on the streets.

Hawking.

To license and regulate carriers, teamsters, cabmen, porters, the drivers of hackney coaches, stages or omnibuses, for the transportation of passengers within the city, and to prohibit unlicensed persons from acting in either of such capacities, to fix their rates of compensation, and to require them to have licenses, and to fix the amounts to be paid therefor, and to require them to wear badges. To license
carriers,
cabmen,
&c.

To regulate runners, stage drivers and others in soliciting passengers and others to travel or ride in any stage, omnibus, boat, or upon any railroad, or to go to any hotel or otherwise. Runners,
stage-
drivers,
&c.

To regulate, restrain or prevent the unnecessary obstruction of streets by locomotives and other cars, and to regulate the speed of locomotives and cars in said city. Obstruc-
tions of
streets,
&c.

To fix the amount and decide upon the sufficiency of the sureties in the official bond of the chamberlain, treasurer and other officers from whom they may require surety; and to require additional security from any such officer when they may deem it necessary, and suspend him until it is given. Sureties,
&c.

To compel, direct and regulate the planting of shade and ornamental trees along the streets and sidewalks of said city, and to prevent the injury or destruction of such trees, and to prevent the injury and defacement of fences, posts and buildings in said city. Shade
trees,
planting
and pro-
tection of.

To prescribe where, in said city, or within what distance from any street or dwelling-house, or within what boundaries in said city, swine shall not be kept, or to prohibit altogether the keeping of swine within the limits of said city. To pro-
hibit the
keeping of
swine.

- Burial of the dead, cemeteries, &c.** To prohibit and regulate the burial of the dead and to protect the public cemeteries, and to regulate and restrict the extension of cemeteries and burial grounds in said city.
- Removal of encroachments on streets, expenses thereof.** To cause buildings, stoops and other structures encroaching on the streets to be removed at the expense of the owners or occupants thereof; to make such expense of removal a lien on the lots, and to issue warrants against any such owner or occupant to collect the necessary expenses of such removal, as assessments and taxes are collected; provided, that, before any order or adjudication is made directing the removal of any such building, stoop or other structure, notice shall be given to the occupants of the premises upon which the same is situate and an opportunity to be heard thereon before said common council; and in case of the removal thereof by the city, a certificate filed with the chamberlain, stating the expense of such removal, signed by the mayor, shall make such expense a lien on the lot.
- Proviso.**
- Deposit of building material on streets.** To permit building materials to be deposited on the streets in front of any lot, to such extent and for such time as they may prescribe, and to prescribe penalties for the deposit thereof without such permission.
- Naming streets, &c.** To give names to streets and numbers to the lots and tenements, and to change the same, and to compel the occupant of any lot to place such numbers in a prominent place in front of such lot or building.
- Street assemblages, &c.** To prohibit the gathering or assembling of persons upon the public streets of said city, or congregating upon the corners of the streets thereof, and to authorize the police officers of said city to disperse all such gatherings or assemblages of persons; and, upon the refusal of persons so congregated or assembled to disperse, when commanded so to do by the marshal or a duly appointed police officer of said city, under regulations to be prescribed by the common council, such marshal or police officers may make summary arrest of any person or persons so refusing and take him or them forthwith before the recorder of said city, to be by him tried as disorderly persons and punished as such, and all such persons are hereby declared to be disorderly persons.
- Arrests.**
- Disorderly persons.**
- Kerosene oil.** To prohibit the refining, clarifying, distillation or manufacture of kerosene oil within said city.
- To prohibit soap boiling, &c.** To prohibit fat-boiling, soap-boiling and bone-boiling within the city limits, and to prescribe limits within which fat-boiling and bone-boiling shall be prohibited.
- Sale of goods, &c., on Sunday.** To prohibit the sale of goods and merchandise, or the performance of work or labor for hire on Sunday by all persons, except such as observe the seventh day of the week as a day of religious worship, instead of the first day of the week.
- Pollution of waters of Fallkill creek.** To prohibit the discharge or deposit in the waters of the Fallkill creek, or in or upon the channel thereof of any waste water or other substance or mixture from any tannery, dye-house, slaughter-house or factory, or from any privy or other source.
- Incidental powers.** To do all such acts and make all such ordinances as shall be necessary to carry into effect any general power or discharge any duty conferred or imposed by this act, although such acts or ordinances may not be specially enumerated herein.
- Summons to appear and testify, common council may issue.** § 9. The common council, and any committee thereof, shall have power to issue a summons to any person to appear and testify before them, in respect to any matter pending or referred to them. Such summons may be served at any place within the county of Dutchess, in the same manner as subpoenas for witnesses in criminal cases. Any person who shall refuse to attend, in obedience to any such summons, may be arrested by an order or attachment, which may be issued by
- Obedience thereto,**

the mayor or recorder, upon proof of the service of such summons and of such refusal, and committed to the county jail, or other proper place of detention, until he shall appear and testify as required. Such witness, so refusing to attend, may also be fined and imprisoned for disobedience of such summons by the mayor or recorder, in the same manner and to the same extent as witnesses refusing to attend in obedience to a subpoena duly issued by a justice of the peace. Whenever any person summoned as a witness before said common council or any committee thereof, shall refuse to be sworn or affirmed, or to answer any pertinent and proper question, the mayor or presiding officer of said council, or the chairman of said committee, may forthwith commit such person to the county jail or other proper place of detention, for a period not exceeding twenty days, or until he shall be sworn or affirmed, or answer such questions. Such commitment shall be made by warrant, directed to the sheriff of the county, or other officer having such place of detention in charge, and shall recite the cause of such commitment, and such officer shall keep such person in close confinement as directed thereby.

how com-
pelled.

Fine.

Witness,
how com-
pelled to
answer,
&c.

Commit-
ment.

§ 10. The common council shall have power to enforce observance of all provisions of this act, by ordaining penalties to be incurred for each and every violation of the same, not exceeding fifty dollars for any one offense, to be recovered with costs in a civil action in any court having cognizance thereof, or to remit the same or any part thereof. Every such ordinance or by-law imposing any penalty or forfeiture for a violation of its provisions shall, after the passage thereof, take effect at such time as the common council shall direct, and shall be published at least two weeks successively, in at least one public newspaper printed and published in said city.

Penalties,
ordaining
of.

Remission
of.

Ordi-
nance im-
posing
penalty,
when to
take
effect.

§ 11. Whenever complaint shall be made before any justice of the peace of said city, in order to commence an action in behalf of said city against any person for the violation of any of the ordinances thereof, and such complaint shall be verified by the oath or affidavit of any person that the same is true, and that such offense has been committed, of his own knowledge, and stating the facts and circumstances, such justice may, if, in his judgment, the case require it, issue a warrant at the commencement of such suit directed to one of the police constables of said city, commanding him to take the body of such person and bring him before such justice to answer the complaint of said city in a civil action for the violation of such ordinance. Upon the return of such warrant, the justice shall proceed forthwith to the trial of such action, and said defendant shall be detained in custody under said warrant by the officer to whom the same was issued, until judgment be rendered in said action.

Justice of
the peace
on com-
plaint for
violation
of ordi-
nance
may issue
warrant.

Proceed-
ings on re-
turn of
warrant.

§ 12. All actions brought to recover any penalty or forfeiture incurred under this act, or the ordinances, by-laws, or police regulations made in pursuance of it, shall be brought in the name of the city; and, in case of the recovery of judgment against any defendant, execution may be issued thereon immediately on the rendition of judgment. Any such action may be brought on the direction and authority of the mayor or common council of said city. If the defendant in such action have no goods or chattels, lands or tenements, whereof the judgment can be collected, the execution shall require him to be imprisoned in close custody in the jail of Dutchess county, or in the penitentiary, if one be established, for a time not exceeding thirty days. All expenses incurred in prosecution for the recovery of any penalty or forfeiture shall be

Actions
for pen-
alty, how
brought.

Body exe-
cution.

Expenses.

Penalty, &c. defrayed by the corporation; and all penalties and forfeitures, when collected, shall be paid to the chamberlain for the use of said city.

Appeal. § 13. Any judgment rendered in any such action may be removed by appeal by either party, to the county court of the county of Dutchess, in the same manner and upon the same terms that appeals are taken to county courts from judgments rendered by justices of the peace in towns, except when such appeal is made by the city, that no bond shall be required to be executed by or on behalf of the city. Every such appeal, in behalf of the city shall be sued out and prosecuted under the direction of the common council.

Entry in book of by-laws, &c., and verified copies, evidence. § 14. The entries in the books of by-laws, journals and minutes of the common council and the board of health, or sworn copies thereof, shall be presumptive evidence in all courts and places of the facts therein stated, and the certificate of the chamberlain shall be sufficient evidence of the authenticity of such journals and minutes and book of by-laws.

Mayor or aldermen not to be interested in contract. § 15. No member of the common council shall be appointed to any office by the common council, nor shall any alderman or the mayor be in any manner directly or indirectly interested in any contract to which the city shall be a party. And any such contract, in which any such officer shall be or become interested, shall thereby and thereupon be and become void. In case any alderman shall willfully vote for any appropriation, or for the payment or expenditure of any moneys, or for the making of any contract not authorized by this act, or in violation of any of its provisions, every such alderman shall be deemed guilty of a misdemeanor, and, in addition to being punished therefor by indictment, shall be liable for every such vote to a penalty, not less than fifty nor more than two hundred dollars, in the discretion of the court or jury, to be recovered in a civil action in the name of the city by any taxpayer thereof; and when recovered, one-half thereof shall be paid to the treasurer of said city, and one-half shall belong to the taxpayer who shall cause such action to be brought. The city shall not be liable for costs in any such action, but the inhabitant who shall cause such action to be brought shall be liable for the same, should judgment therein be rendered against said city.

To vote for unauthorized appropriation, &c., a misdemeanor.

Punishment and penalty therefor.

Costs, liability for.

TITLE IV.

Mayor, his duties. SECTION 1. It shall be the duty of the mayor to take care that within said city, the laws of this State, and the ordinances and by-laws passed by the common council be faithfully executed, and to arrest, or cause the arrest of all persons violating the same; to exercise constant supervision over the conduct of all subordinate officers; to receive and examine into all complaints against them for misconduct or neglect of duty, and to report the facts to the common council; to recommend to the council from time to time such means* as he shall deem necessary or expedient for them to adopt; to expedite and cause to be carried out all such as shall* be resolved upon them*, to make complaint before the grand jury of all violations of this act by any alderman or other officer of the city, and in general to maintain the peace and good order of the said city. He shall have power to administer oaths and take affidavits, and to take the proofs and acknowledgments of deeds within said city, and to receive therefor the same fees that are allowed to justices of the peace for the same services. In case the mayor shall be unable to perform the duties of his office, in consequence

His powers.

Fees.

In case of disability or vacau.

* So in original.

of a continued sickness or absence from the city, or if there shall be a vacancy in the office, the common council shall appoint, by ballot, one of their number to preside at their meetings, and the presiding officer thus chosen shall be vested with all powers, and perform all the duties of mayor of the city, until the mayor shall resume his office or the vacancy shall be supplied according to law. No salary or compensation shall be allowed or paid to the mayor or any alderman for any services rendered in the discharge of the duties of their respective offices, pursuant to the provisions of this act.

cy, common council to appoint.

No salary allowed to mayor or aldermen.

The mayor of the city of Poughkeepsie shall possess all the power and authority conferred upon mayors of the cities by any statute of this State; he shall have power to apprehend and arrest any person who shall within his view be guilty of any criminal act, or of any violation of the laws or statutes of this State. He may also, upon complaint being made to him under oath, issue a warrant to the marshal, or any police constable of the city of Poughkeepsie, to arrest any person charged with any crime or misdemeanor, or with any violation of any of the laws or statutes of said State, and bring such person for examination or trial either before him, the said mayor, or before the recorder or acting recorder. Any such warrant may be executed by any officer to whom it is directed at any place within the State. If such process shall be made returnable before the recorder or acting recorder, such officer, upon the same being returnable to him, or the prisoner arrested by virtue thereof being brought before him, shall take and acquire jurisdiction of the subject-matter, and proceed with the case to the same extent and in the same manner in all respects as if such process had been originally issued by him. Whenever any person shall be arrested by the mayor of said city, for any offense committed within his view, or by process originally returnable before himself, he may, by an order in writing, transfer the case to the recorder, who shall thereupon take and acquire jurisdiction, and proceed with such case in the same manner and to the same extent as if such person had been arrested or such process originally issued by him; or the said mayor may in any such case proceed to examine such person, and commit him for trial, to answer the charge against him, or discharge him according to law. If the offense charged is by law triable in a court of special sessions of the peace, the said mayor may proceed to hold a mayor's court of special sessions to try such person or persons, and all provisions of law applicable to courts of special sessions shall extend and apply to such mayor's court. All process for the summoning of jurors or witnesses in such court may be served or executed by the marshal or any constable of said city.

General powers of mayor.

May issue warrant.

Where it may be executed. May be returnable before recorder.

Proceedings on return thereof.

May transfer case to recorder.

May hold court of special sessions.

§ 2. It shall be the duty of every alderman in said city to attend the regular and special meetings of the common council; to act upon committees when thereunto appointed by the mayor or common council; to arrest or cause to be arrested all persons violating the laws of the State, or the ordinances, by-laws or police regulations of the city; to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty, and to aid in maintaining peace and good order, and to perform or assist in performing all such duties as are by this act enjoined upon the aldermen of said city separately, or upon the common council thereof.

Aldermen, their duties.

§ 3. The supervisors and treasurer provided for by this act shall have the same powers and duties as supervisors and collectors in any town in the county of Dutchess, except as otherwise provided by this act; and the said supervisors shall be members of the board of supervisors

Supervisors and treasurer, their powers and duties.

Their compensation.

of the county of Dutchess. The supervisors shall receive the same compensation allowed by law, in the same manner as other supervisors of towns; provided the compensation of any such supervisors shall not exceed the sum of two hundred and fifty dollars in any one year.

Return of jurors, duties of supervisors and chamberlain in respect to.

§ 4. The city shall be regarded as a town, under the provisions of the fourth title of the seventh chapter of the third part of the Revised Statutes respecting the return of jurors, and the supervisors and chamberlain of said city shall perform the duties thereof enjoined upon the supervisors, assessors and town clerks of the several towns of the State, except that a duplicate of the return of jurors made by them shall be filed in the office of the chamberlain of the city. Each ward of the city shall be regarded as a town, under the fourth article of the fourth title of the eleventh chapter of the first part of the Revised Statutes, and the supervisors and aldermen of each ward shall be fence viewers, and shall possess all the powers and authority in respect to division fences or walls in their ward, which are given by the said article to town fence viewers with respect to division fences.

Division fences, &c.

Fence viewers.

Assessors, their duties.

§ 5. The assessors elected in the city of Poughkeepsie, as herein provided, shall perform all the duties herein specified in relation to the assessment of property within the city, as well for the purpose of levying the taxes imposed by the supervisors of Dutchess county, as by the common council of the city of Poughkeepsie. Each assessor shall receive for compensation for all services to be rendered under this act, or by virtue of any statute of the State, an annual salary, to be fixed by the common council, not to exceed three hundred dollars each. The assessors elected under this act shall possess all the powers and authority of town assessors, and shall make the assessment roll of the city in the same manner as such assessors, under and in pursuance of the second article of the second title of the thirteenth chapter of the first part of the Revised Statutes, except as herein provided. The notice required by the nineteenth and twentieth sections of said article shall be given as provided by said nineteenth section, and shall also be published in all the public newspapers printed in said city, and shall designate the chamberlain's office as the place where the assessors will review their assessments, and where the roll may be examined. The roll shall be completed, and, with all other papers required by said article to be filed, shall be delivered to the city chamberlain on or before the third Tuesday in August in each year.

Their compensation.

Their powers.

Notice of service of assessment.

Roll, when to be completed.

Common council, its powers to correct assessment roll, &c.

City chamberlain, his duties as to assessment roll.

Powers of board of supervisors not affected.

§ 6. The common council shall be vested with the exclusive power to correct the assessment roll in respect to taxes imposed by virtue of this act, in the same manner as a board of supervisors may by law correct the town rolls of their county, and shall possess all the powers in relation to such city assessment roll that boards of supervisors have by a statute in the case of town assessment rolls, and town and county taxes. The city chamberlain shall correct all clerical errors in the description of valuation of property, under the direction of the common council, and make a correct and exact copy of the assessment roll, so made as aforesaid, and certify the same to be correct, and deliver the said copy to one of the supervisors of the said city, on or before the first day of October in each year, to be by him presented to the board of supervisors, as and for the town roll of the city. Nothing in this section shall be construed to prevent the board of supervisors of Dutchess county from exercising in respect to the assessment roll of said city delivered to them, or the taxes imposed by them thereby, the same powers which

are vested in boards of supervisors in respect to town assessment rolls, and town and county taxes, or any corrections thereof.

§ 7. The city chamberlain shall keep all papers belonging to said city; he shall act as clerk of the council, and attend all their meetings. His office is hereby declared a town clerk's office, for the purpose of depositing and filing therein all books and papers required by law to be filed in a town clerk's office, and he shall possess all the powers, and discharge all the duties of a town clerk, except so far as the same shall be inconsistent with other provisions of this act. He shall keep an accurate account of all moneys received by him belonging to the city, and shall, forthwith, upon receipt thereof, pay the same over to the treasurer of the city, for which he shall take a receipt from such treasurer and file the same in his office, and have all such receipts at all times ready for examination by the common council. He shall also keep an accurate account of all expenditures by the common council, which accounts shall be kept in such manner as the common council shall direct. All moneys shall be drawn from the treasury in pursuance of a vote of the common council by a warrant upon the city treasurer signed by the chamberlain and countersigned by the mayor or presiding officer of the council; such warrant shall specify from what fund, for what purpose the amount therein named is to be paid, and the date of the resolution authorizing such payment. The chamberlain shall keep an accurate account of all orders drawn on the treasurer in a book to be provided for that purpose, which shall be opened to the inspection of any elector of the city at all reasonable hours, and he shall report to the common council at its first stated meeting in each month the aggregate amount of the orders drawn by him on each fund during the preceding month, and in each of said reports shall specify what amount to the credit of the general city fund must be reserved to pay salaries. He shall not draw any warrant on any fund when notified by the treasurer that such fund is exhausted. The city chamberlain shall receive for his services such compensation, not exceeding one thousand dollars in each year, as the council shall fix, and he shall not receive for any service whatever any other fee or reward from the city or from any person or persons.

City chamberlain, his duties.

His office a town clerk's office.

Account of moneys.

Account of expenditures.

Moneys, how drawn from the treasury.

Account of orders on treasurer.

Monthly report.

His compensation.

§ 8. The marshal shall possess the power and authority of a constable at common law, and under the statutes of this State, except that he shall not have power to serve any civil process issued by any justice of the peace; and shall possess all the powers and be bound to discharge all the duties of a police constable under this act, and he shall act as and have the powers of the chief of police of said city. He shall also perform such duties as shall be prescribed by the council for the preservation of the public peace, the care of the public property, and the maintenance of the police regulations, and the municipal ordinances of said city. He shall receive no fees for any services, but shall be allowed a compensation to be fixed by the council, not to exceed the sum of seven hundred dollars in any one year.

Marshal, his powers and duties.

To act as chief of police.

His compensation.

§ 9. The city sealer of weights and measures shall possess the like powers, and be subject to the like obligations as the sealer of the several towns of this State, and on application for that purpose, the county sealer of weights and measures shall furnish to him copies of the standards in his office, at the expense of the city.

City sealer.

§ 10. The treasurer of said city shall receive all moneys belonging thereto, and keep an accurate account of all receipts and expenditures in such a manner as the common council shall direct. He shall pay no moneys from the treasury of the city except upon a warrant signed by

City treasurer, his duties.

To be collector of taxes.	the chamberlain and countersigned by the mayor or presiding officer of the council as heretofore provided. He shall file all such warrants, and the same shall be open to the inspection of the common council at any time; and all accounts of receipts and expenditures kept by him shall, in like manner, be open to the examination of the council or a committee thereof at any time. The treasurer of said city shall be the collector of taxes and assessments in the city, shall perform the duties, possess all the powers and authority and be subject to the liabilities and obligations prescribed by law for town collectors, subject to the provisions of this act, and all taxes and assessments to be collected within the limits of the city shall be collected by him. All taxes paid to him within thirty days after his first publication of notice as required by law, shall be paid without any charge or percentage as fees for collecting. On all taxes remaining unpaid at the expiration of thirty days from the first publication of said notice, said treasurer shall be required to collect five per cent. additional, and on all taxes remaining unpaid at the expiration of sixty days from the first publication of said notice, the treasurer shall be required to collect ten per cent. additional, which percentage in all cases when collected shall go and belong to the city.
Percentage for collecting.	
Receipt on receiving roll and warrant.	At the time of the delivery to him of any such roll and warrant, the treasurer shall indorse on the assessment and tax roll on file with the chamberlain, a receipt acknowledging the reception by him of the duplicate of such tax roll and warrant as city treasurer, and shall then be charged with the whole amount of the tax which the roll and warrant delivered to him, authorize him to collect, and he shall not be authorized to credit himself with any amount as unpaid tax thereon, until he shall make and file with the chamberlain, an affidavit stating the amount of unpaid tax and setting forth the reason in each case why such tax is or has not been collected. The common council may thereupon order and authorize said treasurer to credit himself with the whole or any part of said tax unpaid, and the treasurer shall be credited only with such amount as the common council shall so order.
To be charged with amount of tax.	
How credited with unpaid tax.	
Settlement not to be conclusive, nor bond canceled.	But no such settlement, nor any settlement had by the council or by any city officer with any treasurer of any tax or assessment, shall be final or conclusive; and no bond or other security given by any treasurer shall be invalidated by or canceled on any such settlement, but shall remain in full force, and be held for one year thereafter by the city.
Sale of real estate.	Immediately after the return of any tax as unpaid which shall be a lien upon real estate, the common council shall proceed to procure a sale of such real estate in the manner prescribed by this act. The treasurer shall deposit all moneys received by him in such bank or banks in the city of Poughkeepsie as shall be designated by resolution of the common council for that purpose, on the day of the receipt thereof by him, to the credit of the city of Poughkeepsie, and to the credit of the respective funds designated in this act, to be drawn therefrom only upon the check of the treasurer, countersigned by the mayor. And all interest allowed by such bank or banks upon any money so deposited shall belong to the city of Poughkeepsie and be credited to the city by such bank or banks. The treasurer shall present to the common council, at its first stated meeting in each month, a brief statement of the aggregate receipts and disbursements on account of each fund in his charge during the preceding month, and the balance in hand belonging to each fund, and such statement shall be filed with the chamberlain. He shall exhibit to the common council, at its last meeting in each year a full account of all receipts and expenditures after the date of the last annual report of the treasurer and also of the state of the treasury; and such
Deposit of money.	
Interest.	
Monthly statement of receipts, &c.	
Treasurer's annual report.	

report shall be printed and published in two of the newspapers published in said city, and in such other manner as the council may direct. The treasurer shall not overdraw any fund, but shall forthwith notify the chamberlain in writing when any fund is exhausted. The treasurer shall receive for his services such compensation, not exceeding one thousand five hundred dollars in each year, as the common council shall direct, and shall not receive for his services any other fee or reward whatever. And for any use, application or investment of the moneys of the city, other than as herein provided, such treasurer shall be deemed guilty of a misdemeanor and liable to indictment and punishment therefor as such.

Not to overdraw fund.
His compensation

Unauthorized use of money a misdemeanor.

§ 11. It shall be the duty of the superintendent of the streets to superintend, under the general direction of the common council, all work to be done or performed, or ordered or required to be done or performed, upon any of the public highways, streets, walks, bridges, sewers or public pumps, reservoir or grounds, or property of said city, to purchase or provide, at the expense of said city, all necessary implements and utensils, to hire and employ the requisite laborers, to direct them as to the time and manner of the execution of their work, and to certify to the common council, weekly, all persons who shall have been employed on any of the streets, walks, buildings, structures, reservoirs, and generally to act under the direction of the common council of the city. He shall have no power to contract any debt or liability on the part of the city, unless by resolution of the common council authorized so to do. He shall not employ his own team or wagon, nor shall he be directly or indirectly interested in any work or any contract to work, or furnish material for said city, under penalty of forfeiture of his office. Before entering upon the duties of his office, he shall file with the clerk a bond, with such penalty and with such sureties as the mayor shall approve, conditioned that he will faithfully discharge the duties of his office. Whenever the common council shall order any of the repairs or improvements to be made, or any of the work to be done, specified in this section, they shall, in the resolution making such order, direct as to the time and manner of making such repairs or improvements, or doing such work, and shall also make such appropriation therefor as they shall deem necessary. When such appropriation is exhausted, the superintendent shall discontinue the repairs, improvements or work for which the same was done. In case such superintendent shall expend or incur an indebtedness in any one year, to a sum greater than the amount which the common council shall have determined to raise for highway purposes for that year, he shall be personally liable for all the work and material furnished after such highway fund for that year is exhausted, either to the men employed and the persons who have furnished material, or to the city, if the city shall have paid the same. The chamberlain shall keep an accurate account with each appropriation made as aforesaid, and charge such appropriation with each warrant drawn thereon; and such superintendent shall receive such compensation as shall be prescribed by the common council, not to exceed seven hundred dollars in any one year.

Superintendent of streets, his duties.

Cannot contract debt.
Not to employ his own teams or be interested in any work or contract, &c.

To discontinue work when appropriation is exhausted.

Personal liability for work, &c.

Chamberlain to keep account with each appropriation.

§ 12. The city engineer shall receive a salary, to be fixed by the common council, not to exceed one thousand dollars per annum. He shall do all the surveying and engineering, and prepare all the maps, diagrams and specifications required by the common council, the board of water commissioners, board of education, board of alms-house commissioners, and board of health in said city, and render such other

City engineer, his salary and duties.

service as may from time to time be prescribed by the common council. And all maps, diagrams, specifications and surveys thus prepared by him shall belong to and be the property of the city, to be filed in the chamberlain's office.

City attorney,
his
duties.

§ 13. The city attorney shall be the legal adviser of the mayor, common council and of all commissioners and other officers of the city. He shall prosecute all suits brought by the city or by any of its officers in their official capacity, and defend the city in all suits against it. He shall pay over all moneys received by him on account of the city without delay to the treasurer, and shall receive no fees from the city for any services performed by him, but shall receive such compensation as shall be fixed by the common council, not to exceed one thousand five hundred dollars in any one year.

His compensation.

Chief and
assistant
engineers
of fire de-
partment.
Justices of
the peace,
their juris-
diction,
&c.

§ 14. The chief engineer and assistant engineers of the fire department shall perform such duties and possess such powers as shall be prescribed by the common council.

To have
power of
commis-
sioners.

Appeals.

§ 15. The justices of the peace of the said city shall have and exercise all the powers, authority and jurisdiction, and discharge all the duties and be entitled to the fees and compensation of justices of the peace of the several towns in this State, except as modified by this act, and all laws applicable to justices of the peace of the several towns, and to their official acts, duties and powers shall apply to the justices of the peace of said city, and to their official duties and powers, and they shall have and exercise all the powers of commissioners in and for the cities of this State, and no commissioner of deeds shall be appointed in and for said city. Appeals from any judgment rendered by any such justice may be taken to the county courts of Dutchess county, within the time and in the manner prescribed by law for appeals from judgments rendered by justices of the peace in towns; and all provisions of law relative to appeals from such judgments shall apply to appeals from judgments rendered by any justice elected by this act.

TITLE V.

Annual
estimate
of expen-
ses.

Publi-
cation
thereof.
Common
council
to revise
same, &c.

Moneys
to be
credited
to depart-
ments.

Sum not
exceed-
ing thirty
thousand
dollars to
be raised
annually
for sala-
ries, &c.

SECTION 1. On or before the first day of November in each year, the school commissioners, commissioners of the almshouse, and water commissioners, shall estimate and certify to the common council the amount of money required for the expenses of their respective departments for the next year, stating in detail the purposes for which the money is required. The common council shall cause said estimates to be published in one or more daily newspapers published in said city, one week before action shall be taken thereon by the said council. The council shall revise such estimates and shall cause the amounts therein certified, or so much thereof as it shall deem necessary, to be raised by general tax. And the moneys so raised shall be credited by the treasurer to the several departments for which they were provided respectively, by keeping the same in separate accounts or funds, as hereinafter provided.

The common council shall also direct and cause a sum not exceeding thirty thousand dollars, for the purpose of defraying the salaries and pay of officers and other necessary and contingent expenses of the city, not herein otherwise especially provided for, to be raised annually by a general tax, and the moneys so raised, together with all other moneys received by the treasurer not belonging to any other fund, as herein specified, shall be kept in a separate fund, to be called the general city fund.

§ 3.* The common council shall also direct and cause such additional amounts to be raised annually by general tax as shall be required to pay the interest and all installments of principal as the same shall become due on the public debt of the village of Poughkeepsie, and any permanent debt which has been or shall be incurred or contracted by the city of Poughkeepsie, and the moneys so raised shall be kept in a separate fund, to be called the public debt fund.

City debt,
provision
for.

§ 4. The common council shall also direct and cause such additional sum, not exceeding ten thousand dollars, to be raised annually by general tax as shall be required for highway purposes, and the money so raised shall be kept in a separate fund, to be called the highway fund.

Money
for high-
way pur-
poses.

§ 5. The tax so directed shall be assessed upon all the taxable real and personal property in the city, according to the valuation of the city assessment roll of the current year, after the same shall have been corrected as hereinbefore provided. The said tax, together with any special tax which shall have been voted as herein provided, shall be assessed by the common council at some meeting thereof, on or before the first day of December in each year. The city chamberlain under the direction of the common council shall extend and apportion said tax on the assessment roll delivered to him as aforesaid, shall forthwith file the same, and shall make a full duplicate or copy of the same with the tax so extended and apportioned, and shall certify such copy to be a correct duplicate of the city tax roll; such roll shall then be delivered to the city treasurer of said city, with a warrant annexed, under the seal of the city, commanding him to receive, levy and collect the several sums in the roll specified as assessed against the persons or property therein mentioned or described, with such rate per cent. as is in this act provided, in the manner provided by law for the collection and levying of county taxes by town collectors, and to return said warrant and roll within ninety days after the date of the warrant. Immediately on the delivery of the roll and the warrant to the city treasurer, he shall publish notice thereof in one or more newspapers published in said city, and also a notice that he will attend at the office of the city chamberlain with said roll and warrant, together with the roll and warrant for the collection of county taxes, for thirty days next after the publication of said notice, Sundays excepted, from ten o'clock A. M. to three o'clock P. M. to receive city, county and State taxes, and it shall be his duty to attend accordingly.

Tax, how
and when
to be as-
sessed.

Chamber-
lain to ex-
tend tax
on assess-
ment roll,
&c.

Roll with
warrant
to be de-
livered to
treasurer.

Notices.

§ 6. The mayor, by the direction of the common council, may renew, from time to time, any warrant issued for the collection of any tax or assessment, whenever any tax or assessment shall be returned uncollected, or shall not be collected, or issue a new warrant for the collection thereof. And in such a renewal or warrant shall specify the time when the same shall be returned, and direct the collection of interest on such taxes or assessment as the same is given to the city by this act, and the same proceedings shall be had thereon as upon the first warrant. All provisions of this act shall apply to said taxes and the collection thereof, and to the power and duties of the treasurer in relation to the same, after such renewal or new warrants, in like manner as herein provided upon the warrants as originally issued.

Renewal
of war-
rant.

Interest.

§ 7. All taxes and assessments that shall remain unpaid for six months after the date of the original warrant authorizing the collection thereof, shall bear interest at twelve per cent. per annum from the date

Unpaid
assess-
ments,
interest
thereon.

May be sued for. of the warrant, and such tax and interest and the additional percentage required to be collected in section ten of title four, may be sued for and recovered by the city against any person liable therefor.

Tax or assessment when a lien. § 8. Every tax or assessment, for whatever purpose imposed or charged upon any real estate within the city, by virtue of any provision of this act, shall be a lien upon the real estate so charged, from the time of the filing of the roll containing the same with the chamberlain, for two years after such filing, and if such tax or assessment shall be returned as unpaid by any officer authorized to collect the same the common council shall direct the city attorney to advertise and sell such real estate in the manner hereinafter provided. The attorney conducting such sales, for the full performance of his duty therein, shall be entitled to demand and have such fees as the council shall fix, not exceeding ten dollars for each parcel of land so ordered to be sold in case the sale thereof shall be stopped by payment after advertisement, and not exceeding twenty dollars for each parcel that shall be actually sold.

Order to be made and entered before sale. § 9. Before any such sale, an order shall be made by the common council which shall be entered at large in the records of the city, designating and directing the attorney or officers of the city to sell, and particularly describing the premises to be sold, and the owner or agent thereof, so far as the same is known to the common council, and the assessment for which the sale is to be made, a copy of which order shall be delivered to the officer so designated, who shall forthwith advertise the sale of said premises, in the manner and for the time required in the case of sales of real estate on execution, and the sale shall be conducted in the same manner, except as herein provided. The proceedings may be stopped at any time before sale by any person, by paying the said officer his fee and the amount of the tax or assessment, with the interest allowed thereon by this act, and the expense of advertising. All sales in such cases shall be made for the shortest period for which any person will take the premises and pay the assessment, interest and expenses. Two certificates of the sale of each parcel of land so sold shall be made by said officer, one of which shall be delivered to the purchaser, and the other filed in the city chamberlain's office; such certificate shall contain a description of the property and the term for which it was sold, and state the particular tax or assessment, and the amount of the assessment, interest and expenses for which the sale was made, and the time at which the right to redeem will expire.

Proceedings stopped by payment. Sales to be for shortest period. Certificate to be made. Contents. § 10. If any real estate so sold shall not be redeemed in fifteen months after the sale as hereinafter provided, the common council shall grant to the purchaser, his legal representative or assigns, a declaration in writing, under the corporate seal, signed by the mayor and attested by the chamberlain, containing a description of the premises, the fact of assessment, advertisement and sale, the date of the sale and the period for which the premises were sold, which declaration may be recorded as lease of real estate, and shall be presumptive evidence in all courts and places that such tax and assessment was* legally imposed, and that the proceedings to authorize such sale were correct, and such grantee may obtain possession thereof in the manner prescribed by law in relation to the persons holding over demised premises after the expiration of their terms without the consent of their landlords; and shall have, hold and enjoy the said premises during the term for which

* So in original.

the same were granted, to be computed from the expiration of fifteen months after the day of sale thereof, free and clear from all claims and demands of any other owner or occupant of the same, but subject, however, to the lien of all taxes and assessments that may have been charged or levied thereon at the time of such sale or at any time thereafter, and at the expiration of such term, such grantee, his heirs or assigns may remove any building or fixtures that may have been erected on said premises during said term. The city chamberlain shall keep a register of all declarations of sale granted pursuant to this section. Such certificates shall be assignable by the purchaser or his legal representatives, and such assignments shall be acknowledged or proven in the manner required by law to entitle deeds of real estate to be recorded. The common council shall not grant a declaration of sale to any one claiming to be the assignee of any such certificate, unless all the assignments necessary to prove his claim thereto be produced and found to be regular, and be filed with the city chamberlain, nor shall they grant any such declaration in any case without the production and canceling, and filing with the city chamberlain, of the original certificate of sale, unless the loss or destruction of any such certificate, or of any such assignment, be satisfactorily established by the oath of one or more persons, before the council or a committee thereof.

the pre-
mises.Removal
of build-
ings and
fixtures.Register
of declara-
tions.Certifi-
cates as-
signable.Declara-
tion of
sale, when
to be
granted to
assignee.

§ 11. If at any such sale no bid shall be made for any parcel of land, the same shall be struck off to the city for a term of fifty years, and if such sale be made for the non-payment of any tax for highway purposes, the money due on such tax at the time of the sale shall be paid to that fund by the city, and thereupon the city shall receive, in the corporate name, one of the certificates of the sale thereof, and shall be vested with the same rights as any other purchaser.

If there be
no bids,
land to be
struck off
to the
city.

§ 12. Any owner or any claimant of any real estate so sold, or of any specific part or undivided interest in or share of such parcel, may at any time, upon the expiration of fifteen months from the date of such sale, redeem the same by paying to the purchaser, his representatives or assigns or to the city chamberlain, for his or their benefit, the amount paid by him, with the addition of twenty per cent. per annum on such amount, and the expense of any publication and all other expenses incurred by him or them and allowed by this act, and on such payment being made, the title acquired by such sale shall cease and determine. Any person having a judgment or decree, which shall be a lien on the premises at any time after such sale, or within fifteen months thereafter, may defeat the sale thereof at any time within the said fifteen months after such sale, in the same manner and with the same effect as the owner or claimant of said premises may do, and shall thenceforward have a further lien on the said premises for the amount paid by him to defeat the sale thereof, with interest, which may be added to his judgment or decree, and enjoyed and enforced by him in the same manner as though it formed a part thereof. The receipt of the city chamberlain, acknowledged or proven in due form of law to entitle conveyances of real estate to be recorded, shall be evidence of such payment.

Redemp-
tion.Redemp-
tion by
judgment
creditors.

§ 13. All and singular the provisions of the act entitled "An act authorizing mortgages * to redeem real estate sold for taxes and assessments," passed May fourteen, eighteen hundred and forty, except so far as they are inconsistent herewith, are hereby declared to apply to all sales of real estate for taxes or assessments made under or by this act. The clerk of Dutchess county, when thereunto requested by the owner

By mort-
gages.

Search
and cer-
tificate
title.

of any certificate or declaration of sale issued under this act, shall search and certify the title of and incumbrances upon the real estate therein described, and shall be entitled to and receive therefor the fees authorized by law for searches in like cases.

Appro-
priations
restricted.
ed.

§ 14. The common council are hereby restricted, in making appropriations for and on account of the expenses of the city, to the sums that are or may be authorized to be raised therefor by this act, or by any future acts of the Legislature. Whenever any assessments for any street improvement shall have been levied and confirmed by the said common council, they may borrow on the credit of the city a sum not exceeding two-thirds of said assessment, to be repaid from the same within ten months thereafter.

Borrow-
ing for
street im-
prove-
ment.

Expendi-
ture on
account
of extra-
ordinary
damages
or for en-
larging
fire de-
partment.

§ 15. Whenever the common council shall by the affirmative vote of two-thirds of its members decide that the interests of the city require the expenditure of money on account of extraordinary damages, caused by the elements, or for enlarging the fire department, which in their opinion cannot be paid from the said sum of thirty thousand dollars, in the second section of this title mentioned, after defraying the ordinary expenses, they may make an estimate of the sum necessary to be raised for said purpose, and for each of them, if there be more than one such object, and to state the amount and objects for which it is required, together with the reasons for their opinion, and cause such statement and estimate to be published in two or more newspapers printed in said city, and shall give notice therein that, on a day and at a place to be therein specified, a special election will be held at which the question whether the said sum or sums shall be raised or not, will be submitted to the qualified voters for their determination. Said statement and notice shall be published once in each week, for three weeks next preceding the said day of election. The common council shall designate in such notice, some central and convenient place in said city for holding the polls of said election, and they shall appoint three inspectors as a board of inspectors for the poll of such election, and may fill all vacancies in said board, and said inspectors shall take the oath required by law to be taken by inspectors of charter elections in said city, and in the same manner, and they shall have the same powers and perform the like duties as the last mentioned inspectors. Every male resident of said city, of the age of twenty-one years, whose

Publica-
tion
thereof
and no-
tice of
special
election.

Place of
election,
&c.

Qualifica-
tions of
voters.

Whattime
polls to be
open.

Ballots,
form of.

name shall be in the assessment roll made by the assessors of said city next preceding said special election, and upon whose property, or upon whom, as the owner or possessor of property, a tax shall be assessed or imposed in and by said roll, and no other person or persons whatever, shall be entitled to vote at said special election. The said assessment roll, made by the assessors, or a copy thereof, certified by the chamberlain and by the mayor or presiding officer of the said council, shall be evidence of the names and assessment aforesaid. The inspectors of said election thus appointed on the day and at the place thus specified, and from nine o'clock in the forenoon until sunset, without closing the polls, and in the manner provided by law for holding charter elections in said city, shall proceed to receive the ballots for the persons qualified to vote at the said special election, on which ballots shall be written or printed, or partly written and partly printed on the inside thereof, the object for such special tax, and in the margin and opposite such object or statement shall be placed the words "for" or "against;" and if there shall be more than one object for or special tax proposed at any such election, then those several objects shall be specified on one piece of paper, and in the margin and opposite

each one of those several objects or statements shall be placed the words "for" or "against," and deposit the same in a box similar to the boxes required to be used at said charter elections. If any person offering to vote at such election shall be challenged in relation to his right to vote thereat, by any other person entitled to vote at said election, one of the inspectors shall tender to him the following oath: "You do swear (or affirm) that you are a resident of the city of Poughkeepsie, are of the age of twenty-one years, and that you have not voted at this election." If he shall take such oath, and shall be named and assessed upon said roll as aforesaid, his vote shall be received; if he shall decline to take such oath, his vote shall be refused. All provisions of law for punishing false swearing and fraudulent voting at the aforesaid charter elections, as far as the same can be applied, and for preserving order at the polls, shall be applicable to the said special election, and the proceedings thereat. The said inspectors shall canvass the votes received at the said special elections immediately after closing the polls, without adjournment, and then make a certificate under their hands, or the hands of two of them, stating the whole number of ballots received, in the case of every tax voted upon at such election, the whole number for each special tax and the whole number against each special tax, and return the same, by the hands of one of them, to the common council, or to the mayor or chamberlain, forthwith; thereafter. The said certificate, if received by the mayor or chamberlain, shall be delivered by them to the common council at their next meeting, and the said council shall cause the result of said election, as appearing by said certificate, to be entered in their minutes, and if it shall appear that the whole number of votes received at such election with the word "for" in the margin and opposite any several object voted for, exceeds the whole number of votes with the word "against" in the margin and opposite any several object voted for, it shall be the duty of the common council to cause the said sum or sums of money to be assessed, levied and raised with and in addition to the said sum of thirty thousand dollars and all other taxes in and by the next assessment roll, and in the same manner and with the same power and authority as herein described and conferred in reference to said thirty thousand dollars; provided, that the total amount proposed to be raised and to be voted in any one year at a special election or elections shall not exceed fifteen thousand dollars, and that not more than one such election shall be held in any one year, unless such amount is recommended or such elections directed by a vote of three-fourths of all the members of the common council. After any such special tax or taxes shall have been authorized as herein provided, the common council may proceed to authorize the expenditure of the amount thereof for the object specified in their published statement and sanctioned by such election. The common council may borrow, if they shall deem it necessary to do so, the amount so voted, in anticipation of the collection of said tax, and the amount so borrowed shall be expended only upon the objects for which the special tax is raised, and shall be repaid within one year from the proceeds of the tax. The sum and sums of money raised by any special tax shall be paid to and kept by the treasurer of the city, distinct from other money, and entered in a separate account, and shall be appropriated by the common council exclusively to the object or objects mentioned in their public statement, and authorized by such election.

Oath to challenge voters.

Provisions as to false swearing, &c., applicable. Inspectors to canvass votes and make certificate.

Common council to enter result in their minutes.

When common council to cause the sum or sums to be assessed.

Expenditures of same.

Common council may borrow in anticipation of tax.

To be kept distinct from other money.

§ 16. The said common council shall not have power to borrow, and are hereby expressly prohibited from borrowing, any money on account

Peennialry obligations

against
the city.

of the city, except as hereinbefore or hereinafter provided. The said council shall not create any pecuniary obligations whatever on the part of the city which shall not be payable within the year for which the council creating such obligation was elected, and which cannot be discharged from the income of the same year. The civil year in said city shall be deemed to commence on the first day of January.

TITLE VI.

Common
council
to be com-
mission-
ers of
high
ways.

SECTION 1. The common council shall be commissioners of highways in and for said city, and shall have all the powers and discharge all the duties of commissioners of highways in the towns of this State, except as otherwise provided in this act. They shall have power and it shall be their duty, subject to the conditions and restrictions hereinafter contained,

To lay out
streets,
&c.

1. To lay out, open, alter, widen, straighten, extend, contract or discontinue streets, highways, walks, public squares, bridges, drains and culverts in said city, provided that no street shall be laid out, made, widened, straightened, extended, contracted or discontinued, except by a vote of three-fourths of the common council. No street or highway in said city shall be discontinued without the written consent of all parties owning lands thereon.

To grade,
level and
pave
streets.

2. To cause any street or streets, section or sections of any street or streets in said city to be graded, leveled and paved, and to fix and regulate the grade line of streets and sidewalks, and cause curbs to be set and sags to be made, paved and guttered of such materials as the common council may direct. But after any street or section of a street shall have been once graded according to a grade line fixed by order of the common council, the grade of the same street or section shall not be changed, except upon the written application of the persons owning a major part of property adjoining the same.

To keep
streets
clean and
in good
order, &c.

3. To keep the streets clean and in good order, and also to pass ordinances requiring the same to be kept clean and in proper order, and free from encroachment and injury; and to require the owners and occupants of houses, buildings or lots to clean the snow and ice from the sidewalks and out of the gutters opposite their premises.

To re-
quire
owners
to make
and main-
tain side-
walks.

4. To require the owners of buildings and lots on public streets to make and maintain sidewalks opposite their premises, and to prescribe and direct the materials out of which and the manner in which such sidewalks shall be made, and the time within which they shall be completed, and to regulate the grade, width, shape and construction thereof.

To pre-
vent ob-
struc-
tions, &c.

5. To prevent and to summarily remove all obstructions and incumbrances in or upon the streets, sidewalks, highways, bridges and public grounds in said city.

Shade
and orna-
mental
trees.

6. To direct the planting and rearing of shade and ornamental trees in the streets and public grounds of said city, and to pass ordinances for the preservation thereof.

Public
parks, &c.

7. To improve and ornament public parks and pleasure grounds, and to pass ordinances and regulations concerning their preservation and use.

Common
council to
assess ex-
penses of
paving or
macadam-
izing
street,
building

§ 2. Whenever the common council shall order a street to be paved or macadamized, or a sidewalk to be made, altered or repaired, or curbs to be set, or sags to be made, paved or guttered, they shall ascertain the expense of such improvement, and shall enter the amount thereof in the minutes of their proceedings, and shall then assess the same upon the real estate along or in front of which such paving or macadamizing,

or said walk is ordered to be made, altered or repaired, or such curb to be set, or sag to be made, paved or guttered, in proportion to the number of front feet of each lot or parcel of said real estate. The amount so assessed shall be collected in the manner hereinbefore provided for the collection of taxes for city purposes, and each assessment shall be a lien upon the premises on which it may be assessed, and may be collected by a sale of such premises. And all the provisions of the fifth title of this act in relation to the collection of taxes for city purposes, and the sale of lands for taxes shall apply to the collection of such assessment, and to the sales of land for that purpose, and such assessment shall be collected by the treasurer of the city. The common council, however, shall not order a street to be paved or macadamized, or sidewalk to be made or altered, or new curbs to be set, or new sags to be made, paved or guttered, except on petition therefor, in writing, filed with the chamberlain, and signed by the owners of a majority of the frontage upon the street or section of a street where such improvement is proposed to be made.

sidewalk, &c., upon real estate in front of which the same is to be done.

Petition of owners, a condition of right to order paving, &c.

§ 3. Whenever any encroachment upon, or obstruction of any public street or highway in said city shall have been removed at the expense of the city, the common council shall ascertain such expense and enter the same in its minutes, and the amount thereof, together with all fees of officers and expense of collection may be collected by action in the name of the city, against the person or persons causing such encroachment or obstructions, or maintaining the same after notice requiring its removal.

Expenses of removing encroachment or obstruction, how collected.

§ 4. Whenever a petition to lay out a new street, signed by the owners of a majority of the frontage on the line of said proposed street, or a petition to alter, open, widen, extend or grade any street or section of a street or highway, signed by the owners of a majority of the frontage on said street or highway, or on the section of said street or highway proposed to be improved shall be presented to the common council, if the said council shall decide by the affirmative vote of three-fourths of all its members, except in the case of grading, and then by a majority of them, that such improvement is necessary, they shall cause such maps, surveys, profiles and drawings to be made, showing the proposed improvement, as they shall deem necessary, and appoint a day, not less than two weeks thereafter, for their final determination thereon, and cause notice of such day and a brief description of such proposed improvement to be published for ten days prior to said meeting in one or more of the city daily newspapers. At said meeting, or at such adjourned or subsequent meeting as the common council shall order such hearing to be had, they shall hear such reasons as shall be given by or on behalf of persons interested for or against the making of such improvement. In case the common council shall decide to make such improvement, they shall then and there make an order for the same, which shall be entered in the minutes of their proceedings, and from such order an appeal may be taken by any person considering himself aggrieved, in the same manner that appeals may be taken from any determination of commissioners of highways, and until such appeal is decided all further proceedings by said common council shall be suspended.

Proceedings to lay out new streets or to open, widen, extend or grade a street.

Map, surveys, &c.

Notice of hearing.

Hearing.

Order to be entered in minutes.

Appeal.

§ 5. Whenever any order shall be passed by the common council directing the laying out, extending, making or widening of any street, alley, road, lane or highway in said city, they shall apply to the county court of Dutchess county, either in term or vacation, or to a special

Application for appointment of commissioners to

estimate and assess expenses of improvement and value of land taken therefor, &c.

Notice of application.

Party interested may be heard.

Commissioners to be sworn. Their proceedings.

Notice of first meeting.

Their report, what to contain.

Compensation of commissioners, &c.

Residue of lot

term of the Supreme Court in the second judicial district, for the appointment of three disinterested freeholders as commissioners to estimate and assess the expense of the said improvement, and the value of each parcel of the land taken for the same, and the damages sustained by any person or persons by reason of such improvement, and the amount to be allowed to each person respectively; and also to ascertain and determine what real estate will be benefited by such improvement, and to apportion and assess the entire cost of the improvement, with the expenses thereof upon the several parcels of land benefited thereby, in proportion as near as may be, to the benefit resulting to each. The common council shall cause at least two weeks' public notice to be published in one or more of the newspapers published in said city, specifying the time and place at which such application will be made for the appointment of said commissioners, who may be nominated by the common council; but the court shall not be confined to the persons so nominated, but may appoint other commissioners in their place, or in the place of either of them, and may also, after like notice for such purpose, published in the same manner and for the same time as above directed, appoint another or others to act, in place of any one or more of such commissioners who may die or decline serving. Any person interested shall be entitled to be heard in such applications. The said commissioners after their appointment, shall be sworn before some officer authorized to administer oaths, faithfully and impartially to perform the duties which shall devolve upon them, by virtue of said appointment, and shall proceed with all reasonable diligence to make the estimate and assessment in this section above mentioned, and they shall have power to enter upon and examine any premises which in their opinion will be affected by the said improvement, and to hear the proof and allegations of the parties interested, and to issue subpoenas and compel the attendance of witnesses residing in said city, and to continue such hearing from time to time as they may deem proper. Notice of the time and place of their first meeting shall be published by them, for at least one week previous thereto, in a public newspaper published in said city. The said commissioners shall make their estimate and assessment in the form of a report, which shall contain a description of each parcel of land necessary to be taken for such improvement and the value thereof, and a statement of the interest which each has therein, and of the damages sustained by means of such improvement by each person entitled to be compensated, and also a statement of the expenses of the proceedings, and of the entire cost of the improvement. The said report shall also contain a description of each separate parcel of land which in the judgment of the commissioners will be benefited by the improvement and the names of the owners thereof, and of the interest of each person therein, and an assessment upon each such parcel of land benefited, of the proportion of the entire cost of the improvement, which such parcel ought, in the judgment of the commissioners, to bear. All the cost of such improvement shall be assessed upon the property benefited, in accordance with the provisions of this title. The compensation of the commissioners, at the rate of three dollars per day for the time necessarily employed by them, together with the expenses of printing, shall be audited and adjusted by the common council and included in the cost of the improvement.

§ 6. When a residue shall be left of any lot or lots necessary to be taken for such improvement, the commissioners may, in cases where jury or injustice would otherwise be done, and with the consent in

writing of the owner or owners of such lots, include the whole or any part of such residue in their report (briefly describing the same) and estimate separately the value thereof. Every such residue or part of a residue which shall be so included shall, upon the confirmation of the said report, as hereinafter provided, and the payment of the amount at which the same shall be so estimated by the treasurer as hereinafter provided, vest in fee simple in the city of Poughkeepsie; and the common council shall thereupon sell and dispose of the same at a price or prices not less than the sum at which it shall have been so estimated to the owner or owners of the next adjacent lands; and if he or they shall not, upon reasonable notice (to be determined by the common council) elect to take the same at such price or prices, it shall be sold and disposed of at public auction, upon such notice as the common council may deem proper, for the best price or prices which can be obtained for the same. In case the same shall sell for a sum less than that at which its value was estimated by the commissioners, the deficiency shall be deemed a part of the general amount of loss and expense arising from the improvement. And for the purpose of providing for the event of such deficiency, and for the payment thereof, the commissioners shall include in the estimate and assessment of the expenses of such improvement, the estimated value of any such residue, or part of residue which may be included as aforesaid in their report; and upon the sale of the same as above provided, the proceeds thereof shall be credited to each of the persons assessed, in proportion to the amount of the respective assessment against them.

in report.

When title thereto vests in city.

Sale thereof.

§ 7. After the said report shall be completed, it shall be filed by the commissioners with the chamberlain of the city; they shall cause a notice to be printed in one or more of the newspapers printed in said city, that the same has been completed and filed with the said chamberlain, and that they will meet at a time and place to be named in said notice, which shall be at least ten days after the first publication thereof, to view their said report. During that time the said report may be examined free of expense by all persons interested, and at the time and place so specified any such person may offer objections in writing, and accompany the same with such affidavits as he may think proper; and the said commissioners shall meet at the time and place specified in such notice, and shall thereupon, or as soon thereafter as conveniently may be, review their said report and correct the same where they shall deem it to require correction, and then again file the same with the chamberlain of said city. The chamberlain shall, thereupon, cause a notice to be published in one or more of the newspapers printed in said city, that the said report has been so completed and filed, and that application for the confirmation thereof will be made to the county court of Dutchess county, either in term or vacation, or to the Supreme Court at a special term thereof in the second judicial district, at a time and place to be named in such notice, which time shall not be less than twenty days after the first publication thereof. During the said space of twenty days the said report shall remain open to the inspection, free of expense, of all persons interested therein, and any such person may, within that time, appeal from the said report, by serving a notice of appeal upon the chamberlain of the city, at least five days before the time when the report is to be presented to the court for confirmation, which notice of appeal shall contain a brief statement of the objections to said report, and the particulars in which it is contended the same ought to be altered; and such notice shall be accompanied by copies of the affidavits which shall have been delivered to the commissioners, at

Report of Commissioners to be filed.

Objections.

Review and correction of report.

Notice of completion of report and of application for confirmation thereof.

Report to be open to inspection.

Appeal from report.

Notice of.

their meeting to review their report (if it be intended to use or refer to such affidavits on the hearing of the appeal).

Appeal,
when to
be heard.

When
report to
be refer-
red back
for correc-
tion.

Notice of
filing new
report, &c.

Appeal
and pro-
ceedings
thereon.

Court may
direct
specific
altera-
tions.

Costs.

Assess-
ments to
be liens.
How col-
lected.

Sales.

Treasurer
to pay
awards.

Court to
direct
how com-
pensation
to an in-
fant, in-
sane per-
son or
non-resi-
dent shall
be paid.
When the
city may
appropri-

§ 8. Such appeals shall be heard by the court to which the said report shall be presented for confirmation at the time the same shall be so presented. The affidavits of which copies shall have been so delivered and served as aforesaid, but no others, may be read against confirming the said report, and affidavits may also be read to sustain the same, but no cause against such confirmation shall be heard except an appeal shall have been made in the manner provided in the last section. If no sufficient reason to the contrary shall appear to the court, they shall confirm said report; or if, in their opinion, the same ought not to be confirmed, they shall refuse to do so; and in the event of such refusal they shall refer it back for revision and correction to the same or other commissioners, who shall proceed to revise and correct the same, and file it, or a new report, with the chamberlain of said city. The chamberlain shall thereupon cause a new notice to be published in the manner required in the last preceding section of the filing of such report, and of an application to be made for the confirmation of such report. The said report may be appealed from in the same manner and within the time specified in said last preceding section, and such appeal shall be proceeded upon, and such report disposed of in the manner required in this section; and as often as any such report shall be referred back for revision and correction, the like proceedings shall be thereupon had as are provided in this section upon a first reference back to the commissioner. The court shall have power to direct specific alterations in such report, and such alterations shall then be made in its presence, and they may thereupon confirm the report so amended without further notice. The court, to which any such report shall be presented for confirmation, shall have discretionary power to award costs against the appellant in cases where the appeal shall not be sustained.

§ 9. After the report of the commissioners shall be confirmed as aforesaid, the said report shall be delivered to the common council, who shall then authorize such improvement to be made. All assessments contained in the report so confirmed shall be liens on the premises on which the same are assessed, and shall be collected in the same manner as is hereinbefore provided for the collection of taxes for city purposes, and the premises charged with such assessments may be sold for the payment thereof, and all the provisions of the fifth title of this act, in relation to sales for taxes, shall apply to the sales for the collection of assessments, and the same, when collected, shall be paid to the city treasurer. The said treasurer shall pay to the persons to whom compensation is awarded in such reports, the amount awarded to each respectively without any deduction; and in case such persons, or any of them, shall refuse to accept such damages, the said treasurer shall deposit the same in one of the banks of said city, for the use of such persons, and payable to his or her order. And in case any person to whom compensation is awarded shall be an infant, or insane, or not a resident of this State, or unknown, the court confirming such report at the time of such confirmation, or on a subsequent application, shall direct where and in what manner such compensation awarded to such person shall be paid or deposited for his or her benefit, and the treasurer shall pay or deposit the same accordingly. Upon such compensation being duly paid or deposited as aforesaid, the land for which the compensation was awarded may be taken and appropriated by the city

for the purpose of improvement, as stated in the other* directing the same. ate the land.

§ 10. Whenever the common council shall cause any street to be graded they shall ascertain the expense of such improvement, and enter the amount thereof in the minutes of their proceedings, and shall then assess the said amount upon all the real estate in the said city benefited by the improvement; in which assessment they shall briefly describe the parcel of real estate on and in respect of which any such assessment is made, and the amount assessed upon each parcel of land, and shall thereupon cause a notice to be published in a public newspaper printed in said city, for ten days, that such assessment has been made and filed, and that the common council will meet at a time to be named in said notice, not less than two weeks after the first publication thereof, to hear any objections which may be made to such assessment, and in the meantime the said assessment may be examined without expense by any person desiring to examine the same. Grading, common council to ascertain expenses, &c.
Assessment, notice that same has been made and filed, &c.
Hearing of objections.
Confirmation of assessment and collection thereof.
 At the time and place specified in such notice, the common council shall hear such objections as shall be made to the said assessment, and shall review the same, and may adjourn such proceedings from time to time, and may alter and amend the said assessment in their discretion; and when they shall deem it to be correct, they shall confirm the same, and the amount shall then be collected in the manner hereinbefore provided for the collection of taxes for city purposes, and each assessment shall be a lien on the premises on which it is assessed, and may be collected by a sale of premises; and all the provisions of the fifth title of this act in relation to the collection of taxes for city purposes, and the sale of lands for taxes, shall apply to the collection of such assessment and the sale of lands for that purpose; and such assessment shall be collected by the treasurer of the city.

TITLE VII.

OF THE POLICE DEPARTMENT.

SECTION 1. The recorder of said city shall, except in cases of his absence from the city, or inability from sickness or other cause to act, have jurisdiction exclusive of any justice of the peace or other officer in said city, except the mayor and judges of courts of records; to issue all criminal process and all process other than, in civil actions, which a single justice or two justices of the peace in towns are empowered or directed by law to issue; to hear all complaints and conduct all examinations in criminal cases; to hold courts of special sessions, with all the power and jurisdiction of such courts as regulated by statute; to try, convict and sentence all persons who may be guilty of any offenses which are triable by courts of special sessions, and to commit for trial all persons who shall be guilty of felonies not triable in such courts. Recorder, his jurisdiction.

§ 2. The common council of said city shall provide a suitable office in said city for said recorder, whose duty it shall be to attend at such office at all reasonable hours, and to hear all matters within his jurisdiction. Common council to provide office.

§ 3. In case of the sickness, absence from the city, disability or inability to act of the said recorder, his powers and duties are hereby conferred and imposed upon either of the several justices of the peace of the said city. And in case any warrant issued by the said recorder shall be returned during his absence from the said city, or sickness, In case of absence, &c., justice of the peace to perform his duties.

* So in original.

Warrant returned in absence of recorder, proceedings on.

Bill for services to be presented to common council.

Fees.

Costs, fines, &c. to be paid to the chamberlain.

Recorder's salary.

How paid.

Complaint against a person holding a license, mayor or recorder may hear.

Determination to be filed with chamberlain.

Notice of hearing.

Appeal

any further proceedings on such warrant may be had before any justice of the peace of said city, and a justice of the peace, having once obtained jurisdiction over any matter under this section, may retain it and proceed to the determination of it, and shall be entitled to receive for his services the same fees that justices of the peace are entitled to receive to be audited, allowed and paid in the same way. In signing process he shall add "acting as recorder." The bill for such services performed by a justice of the peace shall be presented, duly verified, to the common council at the next regular meeting thereof after such service shall have been rendered; and in case of an omission so to do, the city shall not be liable to pay the same. And every case or proceeding heard by a justice of the peace acting as recorder, shall be reported by such justice to the recorder immediately upon his resuming the duties of his office.

§ 4. The said recorder shall not be entitled to receive for his own benefit any fees for services performed under this act, but he shall demand and receive, before issuing any process or taking any recognition, the fees provided by law, and all fees and charges which may be legally payable, whenever any suit or proceeding pending before him shall be settled or dismissed by consent, including constable's fees; all such costs and fees, and all fines imposed and collected by said recorder, shall be paid to the chamberlain once in every month; the recorder shall keep an account of all such fees and fines, and of all the criminal business done by him, in two separate parts, one of which shall consist of such items as are town charges, and the other of such as are county charges, and in lieu of the fees he shall receive an annual salary of fifteen hundred dollars, and be entitled to the use and occupation of a suitable room to be furnished by the common council, as provided in section second of this title, which salary shall not be altered during his term of office, and shall be paid and allowed by the board of supervisors of the county of Dutchess, on presentation of his account as aforesaid, duly verified; and said salary shall be apportioned by said board of supervisors, from and according to the account of fees and services as town and county expenses; so much of said salary as shall be properly chargeable to the county shall be paid by the county, and the balance of said salary shall be paid by said city of Poughkeepsie, and said salary shall be raised and paid by the said board of supervisors as town and county charges are allowed and paid, as herein provided.

§ 5. The mayor or recorder of the city may hear, in a summary way, any complaint for any violation of the laws of the State, or the ordinances of the corporation, against any person to whom a license of any description may have been granted in pursuance of this act, and may compel the attendance of witnesses on the hearing of such complaint, in the same manner as justices of the peace in the trial of civil causes, and on such hearing may annul such license or suspend the same for any certain time. Every determination on such complaint shall be forthwith filed with the chamberlain of the city, who shall serve a certified copy thereof on the person holding the license affected by such determination, either personally or by leaving the same at his or her usual place of abode or business; and from the time of such service, license shall be deemed to be annulled or suspended, according to the tenor of such determination, until the same shall be reversed by the common council. At least twenty-four hours' notice of the time and place of hearing such complaint shall be served on the persons complained of, and such person may appeal from the determination of the

mayor or recorder, within forty-eight hours after the same shall have been made to the common council, who shall have power to reverse or affirm the same; but such appeal shall not suspend or in any manner affect such determination until the decision of the common council thereon.

§ 6. The common council of said city shall annually, as soon as practicable after the annual election, appoint two proper persons to be police constables for said city, who shall hold their office for one year, and until successors shall be appointed. The said police constables shall possess the exclusive power of serving all criminal or other process issued by the recorder or acting recorder or mayor, and of performing all acts in relation to criminal offenses which police officers or constables are authorized to perform, except that every constable of said city shall have power to arrest and bring before a proper officer for examination, any person who may, in the view or presence of such officer, be guilty of any offense against any of the laws or statutes of the State. It shall be the duty of the said police constables to attend at the recorder's office at all reasonable hours of the day, to obey at all times all process or directions of the mayor or recorder, duly issued or given, for the preservation of the public peace and order, and to arrest, whenever they shall be called upon or sent by the mayor, recorder or common council, to keep the public peace; or to arrest any person charged with any offense. In any case of the absence continued, continued detention or inability to act of both said constables, the mayor, recorder or acting recorder may designate any person by an appointment in writing, to serve any process issued by either of such officers. Every person so appointed shall possess all the powers of a police constable under this act in relation to the particular process of service for which he is appointed, and which must be specified in such written appointment.

Common council to appoint police constables. Their powers.

Their duties.

Mayor or recorder may designate person to serve process.

§ 7. The said police constables shall not be entitled to receive for their own use any fees for services performed by them of a criminal nature, issued by the recorder or any justice of the peace acting as recorder under this act, but each one shall receive the annual compensation of three hundred and fifty dollars, or such less sum as the common council shall prescribe, and in addition thereto the usual mileage in all cases of felonies in which he shall have traveled more than two miles to perform the services. Each one of said officers shall keep a book, in which shall be entered all business done by him, and shall make out his account of all such business in cases of felonies against the county of Dutchess, duly verified by him, which shall be audited, and shall annually at the time of the presentation of claims against the county make out an account of all charges made by him against the county for services rendered in cases of felonies, duly verified, and* the same to the board of supervisors of the county of Dutchess, which board shall audit and levy the same as other county charges, and hand the same over to its chamberlain as money belonging to the said city; and all fines received by said police constable shall be paid over to said chamberlain. The said salary of said police constables, and their mileage fees allowed by this section, shall be audited and paid as other charges against the said city out of the contingent fund thereof. The mayor of said city shall be authorized whenever the public interest shall require, to appoint special constables, not exceeding twenty-five in number, who shall hold their office by

Not to receive fees.

Their compensation. Mileage.

To keep book.

Account against county.

Salaries and mileage to be audited, &c.

Special constables, may appoint.

Oath of office.

Compensation.

Night police, common council may appoint. Powers and duties.

Compensation.

virtue of such appointment for such period as the mayor shall direct not exceeding two weeks under any one appointment. Such special constables shall forthwith take the oath of office, and shall thereupon become vested with all the powers and shall discharge all duties of police constables under this act and in pursuance of the statutes of the State, and they may be directed by the mayor or other competent authority; and whenever any special constable shall be appointed by the common council of said city, they shall take the oath of office in like manner and shall possess the power and discharge the duties of police constables as aforesaid. And the common council shall be authorized to fix the compensation of all such special constables.

§ 8. The common council are hereby authorized to appoint proper persons, not to exceed twelve in number, who shall serve and be known as the "night police," each of whom shall hold office during the pleasure of the common council, by virtue of such appointment. It shall be the duty of the persons so appointed to perform all police duty at night, under such regulations as the common council shall prescribe. They are hereby authorized to perform all acts in relation to criminal offenses, which police officers are authorized to perform, and shall have power to arrest and bring before a proper officer for examination any person who may in their view or presence be guilty of any offense against any of the laws or statutes of the State. The common council shall fix the compensation of such officer, not to exceed two dollars per night.

TITLE VIII.

OF THE FIRE LIMITS AND THE PREVENTION AND EXTINGUISHMENT OF FIRES.

Fire limits, &c., remain in force.

Common council may fix limits within which wooden buildings shall not be erected, &c.

Penalties.

Buildings erected contrary to above provisions declared a nuisance.

Additions and repairs to wooden buildings.

Proviso.

SECTION 1. The fire limits as now established in the city of Poughkeepsie, and the provisions regulating the erection of buildings within such limits, shall remain in force under this act, subject to the power of the common council to alter the same; and hereafter the said common council, for the purpose of guarding against calamities by fire, shall have the power, by ordinance, from time to time, to prescribe the limits in said city within which wooden buildings shall not be erected or placed, and to direct that all or any buildings within the limits prescribed shall be made or constructed of stone, brick or metal, with partition walls, fire-proof roofs, and brick, stone, or metallic cornices and eave-troughs, under such penalties as may be prescribed by the common council, not exceeding one hundred dollars for any one offense, and the further sum of twenty-five dollars for each and every week any building so prohibited shall be continued.

§ 2. Every building hereafter erected contrary to the foregoing provisions, or to any ordinance made in pursuance of the foregoing section, is hereby declared to be a common nuisance, and may be abated and removed as such by the direction of the common council of said city. But the common council shall have the power, in their discretion, on an application to them for that purpose, to authorize the owner of any building constructed of wood, within said fire limits, to make additions and repairs thereto of wood, provided such addition shall not be of sufficient size to constitute a dwellinghouse, workshop or store, if the main building should be removed, or exceed in front twelve feet in width; provided, that no such permission shall be granted until the applicant has filed with the chamberlain a diagram and specifications showing the plan, location, dimensions and nature of such addition and repairs, and the resolution granting such permission shall set forth the location, plan

Discussions and nature of such addition and repairs, either in its terms, or by reference to a diagram and specifications filed with the chamberlain.

§ 3. The common council of said city is hereby vested with all the powers and subject to all the duties of the trustees of the village of Poughkeepsie, in the act entitled "An act to prevent fires in the village of Poughkeepsie," passed July eighth, eighteen hundred and fifty-one. And the recorder of said city is vested with all the powers and subject to all the duties of the police justices vested in said act, which is hereby continued in full force.

Powers of common council to prevent fires.

Recorder, further powers of.

§ 4. The common council shall have power, by ordinance, to regulate the construction of chimneys so as to admit chimney sweeps, and to compel the sweeping and cleaning of chimneys, flues, stove-pipes and other conductors of smoke, and to prevent chimney sweeps from sweeping unless licensed as they shall direct; to prevent a dangerous construction or condition of chimneys, fire-places, hearth-stones, stove-pipes, ovens, boilers and apparatus used in any building or manufactory, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; to prevent the deposits of ashes in unsafe places; to regulate and to prevent the carrying on of manufactories dangerous in causing or promoting fires; and to regulate and prevent the use of fire-works and fire-arms within the city limits; to compel the owners and occupants of houses and other buildings to have scuttles in roofs, and stairs and ladders leading to the same; to authorize the mayor, aldermen, fire-wardens or other officers of said city to keep away from the vicinity of any fire all idle and suspicious persons; to compel all officers of said city, and other persons, to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat; and generally to establish such regulations for the prevention or extinguishment of fires as they may deem expedient.

Common council may regulate construction of chimneys, &c.

Deposit of ashes, fire-works, &c.

Scuttles, &c.

§ 5. The mayor and aldermen shall be fire-wardens, and shall possess all the powers of fire-wardens under this act.

Fire wardens.

§ 6. The fire-wardens shall have power at all reasonable times, and it shall be their duty to enter into and examine all the dwelling-houses, out-houses, lots and yards in their respective wards, in the day time, to inspect all places therein where fires are used, to ascertain how ashes are kept, to direct obedience to all ordinances of the common council relating to the prevention of fires, and to report to the common council all infractions thereof, that are not forthwith amended.

May enter and examine dwelling houses, &c.

§ 7. The common council shall procure fire-engines and other apparatus used for the extinguishment of fires, and provide fit and secure engine houses and other places for keeping and preserving the same whenever authorized by a vote of the inhabitants of said city, as prescribed by section thirteen of title five of this act, and shall have the charge and control of the same, and shall have power to organize fire, hook and ladder, hose and axe companies, to prescribe powers and duties of the chief engineer and the two assistants, and to appoint a competent number of able and reputable inhabitants of said city firemen to take the care and management of the engines and other apparatus and implements used or provided for extinguishment of fires; to prescribe the duties of firemen, and to make rules and regulations for their government, and to impose such reasonable fines and forfeitures upon said firemen for a violation of the same, as the said council may deem proper, and for incapacity, neglect of duty or misconduct, to remove them and appoint others in their places.

Fire engines, apparatus, &c.

Fire companies, &c.

Duties of firemen, &c.

Exemption from jury and militia service.

§ 8. The engineers of the fire department, fire-wardens and all firemen, hook and ladder, hose and axemen of the city, shall be exempt from serving on juries in all cases, and from serving in the militia, except in cases of war, invasion or insurrection, and from highway post tax. The name of each person appointed to any of the said offices or post shall be registered with the chamberlain of the city, and the evidence to entitle him to any exemption provided in this section shall be the certificate of the chamberlain, made within the year in which the exemption is claimed.

Five years service as fireman exempts from jury and militia service.

§ 9. Every fireman who shall have faithfully served as such in said city, including as well any period before as after the passage of this act five consecutive years, shall be thereafter exempt from serving on juries in all courts, or in the militia, except in cases of war, invasion or insurrection, and the evidence to entitle such person to the exemption as provided in this section shall be a certificate under the corporate seal, signed by the mayor and chamberlain.

TITLE IX.

THE LAMP DISTRICT.

Lamp districts.

Expenses to be borne by the districts.

To be collected with city tax.

Other lamp districts, how established.

Expenses of lamps, fixtures, &c., how assessed.

To be collected with city taxes.

SECTION 1. The present lamp districts of said village of Poughkeepsie are hereby made and constituted lamp districts of said city, under the control and management of the common council, and the costs and expenses of maintaining and keeping in repair the lamps, lamp posts and fixtures, and the expense of lighting, and of gas shall be borne by such districts, which expense shall be assessed and apportioned by said common council as a tax against the real and personal estate in such district, to be ascertained and fixed by the last assessment roll of said city, and shall be levied and collected with and at the time of the city tax against such owner or owners of such real and personal estate. All such moneys shall be kept by the treasurer distinct from other moneys and entered in a separate account, to be known as the lamp fund.

§ 2. Whenever the common council of said city shall deem it expedient and necessary to establish other lamp districts in said city, they shall call a meeting of the owners of the real estate fronting on the streets and sections of streets within such proposed district, at some convenient place, by causing notices of, and stating the object of such meeting, to be published at least two weeks successively in one of the public newspapers printed in said city; and whenever the owners of more than one-half the number of feet fronting on either side of the street and sections of streets as aforesaid shall, at such meeting, by themselves or their agents, duly authorized in writing, vote for or assent to the lighting of the streets in such districts in this act mentioned, then the said common council shall thereby be authorized and directed to cause lamp posts and lamps, with suitable fixtures, to be placed at proper distances within such district or districts, and to cause the same, from and after the first day of January then next, to be lighted with gas or any other article during the night, or such portion thereof as they may deem best.

§ 3. The cost and expense of purchasing, erecting and fitting up such lamp posts, lamps and fixtures, shall be assessed and apportioned by said common council, as a tax among the respective owners of the several parcels of real estate fronting on either side of the streets and sections of streets within the proposed districts, according to the number of feet fronting on such streets, and sections of streets, and shall be levied and collected with and at the time of the general city tax, against such owners on account of the respective parcels aforesaid; and the

other costs of and expenses on lighting said streets, and of making the necessary alterations and repairs of said posts, lamps and fixtures, shall be borne, assessed and apportioned against the real and personal estate of each district, in the same manner as is above provided, and shall in the same manner as above provided be added, levied and collected with the time of the general tax of said city, against the owners of such real and personal estate respectively.

Expenses of lighting streets, &c., how borne.

§ 4. The said common council may from time to time make any additions to said lamp district or districts they may deem proper, and may in like manner, as is provided by the second section, become authorized and directed to cause lamp posts and lamps and suitable fixtures to be placed at a proper distance within such additions, and the costs and expense thereof shall be borne, assessed and apportioned among the respective owners of the several parcels in the same manner as is provided in the last section, and in every other respect every such addition shall be deemed a part of the original lamp district, and be subject to all the provisions hereinbefore made in relation thereto, in the same manner as if it had been originally included in the lamp district.

Additions to lamp districts, common council may make.

TITLE X.

OF SCHOOLS AND THE BOARD OF EDUCATION.

SECTION 1. There shall be elected in said city at every annual election, four commissioners of schools, who shall hold their office for three years, and till their successors shall qualify.

School commissioners.

§ 2. The said commissioners shall meet on the first day of January in each year unless the same shall be on Sunday, in which case they shall meet on the next day, and organize a board of education; they shall elect one of their number to be president; they may employ a clerk at a reasonable compensation, and a librarian, to have the charge of the public library, and may pay him a reasonable salary out of the school fund of the city. They shall have the charge and control of the public schools in the city of Poughkeepsie, and shall exercise the powers and discharge the duties in respect to said schools of trustees of school districts under the statutes of this State; they shall also have charge and control of the district school library, which shall be hereafter known as the city library of Poughkeepsie, and may make all necessary and proper regulations concerning the same; and they may appropriate for the benefit of said library, out of the moneys annually raised in said city by the school tax, an amount not exceeding five hundred dollars, in addition to the library money received from the State.

To meet and organize a board of education.

President, clerk and librarian.

Powers and duties of the board.

§ 3. The board of education shall, on the first day of November in each year, estimate and certify to the common council what amount of money, added to the money which will be received from the State, will be needed for the support of all the schools under their superintendence for the next year, which said amount shall not be more than three times the sum received from the State, specifying in detail the objects for which the same will be required and the amount for each object, and the common council shall cause the moneys in said certificate mentioned, or so much thereof as they shall deem necessary, to be levied and collected as provided in section one of title five of this act. All such moneys shall be kept in a separate fund, to be known as the school fund.

Yearly estimate of amount necessary for school purposes.

Common council to levy and collect same.

§ 4. It shall be the duty of the board of education to make to the common council an annual report on the thirty-first day of December of each year, setting forth the number and condition of each school under

Report of board of education.

their charge, and containing an exact and accurate account of all money received by them and the sources from whence received, and of their expenditures, and of all debts incurred by them which are unpaid, and the objects for which such debts were incurred, and to which such expenditures were applied, and the persons to whom they were paid during the preceding year; such report to specify, as far as practicable, the cost of maintaining each school, and to give all other particulars relating to the schools.

Purchase or erection of additional school houses.

To be submitted to electors.

Title to be taken to the city.

Expense to be defrayed by a general tax or by loan.

Loan, how paid.

School moneys.

How paid out.

§ 5. If the board of education shall deem the purchase or erection of an additional school-house proper or necessary, they may recommend the same in their annual report or in a special report adopted at a regular meeting of said board, by two-thirds of the members of said board concurring, stating the location they propose, the cost of the lot, and a plan and estimate for a building. The council of said city may thereupon, by the affirmative vote of two-thirds of its members, submit the question of the purchase or erection of such school-house to the electors, being tax-payers entitled to vote special taxes under this act, at an election to be held in the manner provided by this act in voting special taxes. The said electors shall vote by ballot, on which shall be written or printed "for a school-house," "against a school-house." If a majority of the votes cast shall be cast for a school-house, and not otherwise, it shall be the duty of the common council to certify to the board of education the result of such election, and the said board of education are hereby empowered, and shall forthwith proceed to purchase a lot and erect a building, or purchase a lot and building suitable for a school-house, in such location as to such board of education shall seem best. The title to such lot shall be taken to and shall vest in the city of Poughkeepsie; and the cost of building and furnishing such school-house, including the lot, shall in no case exceed the amount estimated by the board of education, in their recommendation to the common council; and the expense thereof, including the lot, shall be defrayed by a general tax, which the council shall levy and collect in the same manner as other school taxes are levied and collected; or if said council shall deem best, such money may be raised by loan on the credit of the city, which the said mayor and council are hereby authorized to pledge for such purpose, in the same manner as is by this act provided in relation to loans by said city; said loan to be paid in annual installments with interest, within the period of twenty years, for which time said council shall have power and are hereby authorized to pledge the credit of said city, or for such less times as to the said council shall seem proper; and the installments, with interest, shall be levied and collected, together with the annual taxes, as the said installments become due.

§ 6. The treasurer of the city of Poughkeepsie is hereby designated as the person to receive all public money which the said city or the schools therein, are or shall be entitled to receive from the State, or by tax or loan from the city, and the said treasurer shall pay all school moneys to the president of the board of education, upon his executing and filing with the chamberlain a bond to the city of Poughkeepsie, in such sums as the council shall direct and with such sureties as the mayor shall approve, conditioned that he will faithfully discharge the duties of his trust, and pay over or account for all moneys received by him for school purposes, and all moneys so received by said president shall be deposited in one of the banks of the said city to the credit of the board of education, and shall be paid out by him upon resolutions of said board certified by the clerk, by draft or check, containing the

same of the person to whom paid, and the date of the meeting when the resolution directing the payment of the same was passed by said board, and signed by the presiding officer of said board, and not otherwise.

§ 7. The board of education shall during the month of September in each year, cause to be made an enumeration of all the children then residing within the said city, between the ages of five and twenty-one years of age, and the president of such board shall annually, between the first and fifteenth day of October, make to the superintendent of public instruction, a report for the preceding school year, of all matters and things which trustees of school districts are by law required to report, and of all such other matters and things as the said superintendent shall from time to time require.

Enumeration of children.

Annual report to superintendent of public instruction.

§ 8. The said commissioners of schools shall receive no compensation for their services, and it shall not be lawful for either of them to be concerned or interested, directly or indirectly, in the sale of any books, merchandise or other articles furnished or provided for the use of the schools, nor shall such commissioners or either of them take or receive any profit, reward or emolument for or on account of any books, merchandise or other articles furnished or provided for the use of the schools by any person other than said commissioners; it shall not be lawful for the said commissioners or either of them to be concerned or interested, directly or indirectly, in the sale or lease of any real estate, or the sale of any materials, or in any contract or contracts, for building or repairing any school-house. Every violation of the provisions of this section shall be deemed a misdemeanor, punishable by fine and imprisonment.

Commissioners not to receive compensation, or be interested in sale of books, &c.

Nor be interested in sale of real estate or materials, &c.

§ 9. The said board may make regulations respecting the use and imposing fines or penalties for abuse of books belonging to the city library, and any person incurring any such fine or penalty shall be liable to an action for the same by the city, and the amount received shall be applied as aforesaid to the use of the library.

Fines and penalties for abuse of books.

§ 10. The title of all property, real or personal, now held by the board of education of the city of Poughkeepsie, is hereby vested in and confirmed to the city of Poughkeepsie.

Title of property vested in the city.

§ 11. No repairs, alterations or enlargement of any school or library building shall be made by said board, the expenses whereof shall exceed five hundred dollars in any one instance, unless the said board shall first submit to the common council a statement showing the necessity of such repairs, alterations or enlargement, and the estimated cost of the same, and the common council by the affirmative vote of two-thirds of its members shall authorize the same to be made; and such authority shall not be given unless there shall be in the school fund a sum sufficient to meet such expenditures and all other repairs and expenses to be incurred by said board during the current year.

Repairs, alterations, &c. of buildings.

TITLE XI.

OF THE SUPPORT OF THE POOR.

SECTION 1. The city of Poughkeepsie shall not hereafter be subjected to taxation for the support or maintenance of the poor of or in the towns of the county of Dutchess, nor shall the towns of the county of Dutchess be taxed or required to contribute for the support of the poor of or in the city of Poughkeepsie; but such city of Poughkeepsie, for all the purposes of supporting the poor within its limits, and carrying

The city to be a separate district for the purpose of supporting the poor.

estimate and assess expenses of improvement and value of land taken therefor, &c.

term of the Supreme Court in the second judicial district, for the appointment of three disinterested freeholders as commissioners to estimate and assess the expense of the said improvement, and the value of each parcel of the land taken for the same, and the damages sustained by any person or persons by reason of such improvement, and the amounts to be allowed to each person respectively; and also to ascertain and determine what real estate will be benefited by such improvement, and to apportion and assess the entire cost of the improvement, with the expenses thereof upon the several parcels of land benefited thereby, in proportion as near as may be, to the benefit resulting to each. The common council shall cause at least two weeks' public notice to be published in one or more of the newspapers published in said city, specifying the time and place at which such application will be made for the appointment of said commissioners, who may be nominated by the common council; but the court shall not be confined to the persons so nominated, but may appoint other commissioners in their place, or in the place of either of them, and may also, after like notice for such purpose, published in the same manner and for the same time as above directed, appoint another or others to act, in place of any one or more of such commissioners who may die or decline serving. Any person interested shall be entitled to be heard in such applications. The said commissioners after their appointment, shall be sworn before some officer authorized to administer oaths, faithfully and impartially to perform the duties which shall devolve upon them, by virtue of said appointment, and shall proceed with all reasonable diligence to make the estimate and assessment in this section above mentioned, and they shall have power to enter upon and examine any premises which in their opinion will be affected by the said improvement, and to hear the proof and allegations of the parties interested, and to issue subpoenas and compel the attendance of witnesses residing in said city, and to continue such hearing from time to time as they may deem proper.

Notice of the time and place of their first meeting shall be published by them, for at least one week previous thereto, in a public newspaper published in said city. The said commissioners shall make their estimate and assessment in the form of a report, which shall contain a description of each parcel of land necessary to be taken for such improvement and the value thereof, and a statement of the interest which each has therein, and of the damages sustained by means of such improvement by each person entitled to be compensated, and also a statement of the expenses of the proceedings, and of the entire cost of the improvement. The said report shall also contain a description of each separate parcel of land which in the judgment of the commissioners will be benefited by the improvement and the names of the owners thereof, and of the interest of each person therein, and an assessment upon each such parcel of land benefited, of the proportion of the entire cost of the improvement, which such parcel ought, in the judgment of the commissioners, to bear. All the cost of such improvement shall be assessed upon the property benefited, in accordance with the provisions of this title. The compensation of the commissioners, at the rate of three dollars per day for the time necessarily employed by them, together with the expenses of printing, shall be audited and adjusted by the common council and included in the cost of the improvement.

§ 6. When a residue shall be left of any lot or lots necessary to be taken for such improvement, the commissioners may, in cases where injury or injustice would otherwise be done, and with the consent in

Notice of application.

Party interested may be heard.

Commissioners to be sworn. Their proceedings.

Notice of first meeting.

Their report, what to contain.

Compensation of lot may be included.

Compensation of commissioners, &c.

writing of the owner or owners of such lots, include the whole or any part of such residue in their report (briefly describing the same) and estimate separately the value thereof. Every such residue or part of a residue which shall be so included shall, upon the confirmation of the said report, as hereinafter provided, and the payment of the amount at which the same shall be so estimated by the treasurer as hereinafter provided, vest in fee simple in the city of Poughkeepsie; and the common council shall thereupon sell and dispose of the same at a price or prices not less than the sum at which it shall have been so estimated to the owner or owners of the next adjacent lands; and if he or they shall not, upon reasonable notice (to be determined by the common council) elect to take the same at such price or prices, it shall be sold and disposed of at public auction, upon such notice as the common council may deem proper, for the best price or prices which can be obtained for the same. In case the same shall sell for a sum less than that at which its value was estimated by the commissioners, the deficiency shall be deemed a part of the general amount of loss and expense arising from the improvement. And for the purpose of providing for the event of such deficiency, and for the payment thereof, the commissioners shall include in the estimate and assessment of the expenses of such improvement, the estimated value of any such residue, or part of residue which may be included as aforesaid in their report; and upon the sale of the same as above provided, the proceeds thereof shall be credited to each of the persons assessed, in proportion to the amount of the respective assessment against them.

in re-
port.

When
title
thereto
vests in
city.

Sale
thereof.

§ 7. After the said report shall be completed, it shall be filed by the commissioners with the chamberlain of the city; they shall cause a notice to be printed in one or more of the newspapers printed in said city, that the same has been completed and filed with the said chamberlain, and that they will meet at a time and place to be named in said notice, which shall be at least ten days after the first publication thereof, to view their said report. During that time the said report may be examined free of expense by all persons interested, and at the time and place so specified any such person may offer objections in writing, and accompany the same with such affidavits as he may think proper; and the said commissioners shall meet at the time and place specified in such notice, and shall thereupon, or as soon thereafter as conveniently may be, review their said report and correct the same where they shall deem it to require correction, and then again file the same with the chamberlain of said city. The chamberlain shall, thereupon, cause a notice to be published in one or more of the newspapers printed in said city, that the said report has been so completed and filed, and that application for the confirmation thereof will be made to the county court of Dutchess county, either in term or vacation, or to the Supreme Court at a special term thereof in the second judicial district, at a time and place to be named in such notice, which time shall not be less than twenty days after the first publication thereof. During the said space of twenty days the said report shall remain open to the inspection, free of expense, of all persons interested therein, and any such person may, within that time, appeal from the said report, by serving a notice of appeal upon the chamberlain of the city, at least five days before the time when the report is to be presented to the court for confirmation, which notice of appeal shall contain a brief statement of the objections to said report, and the particulars in which it is contended the same ought to be altered; and such notice shall be accompanied by copies of the affidavits which shall have been delivered to the commissioners, at

Report of
Commis-
sioners to
be filed.

Objec-
tions.

Review
and cor-
rection of
report.

Notice of
completion
of
report
and of
applica-
tion for
confirma-
tion
thereof.

Report to
be open
to inspec-
tion.

Appeal
from re-
port.

Notice of.

their meeting to review their report (if it be intended to use or refer to such affidavits on the hearing of the appeal).

§ 8. Such appeals shall be heard by the court to which the said report shall be presented for confirmation at the time the same shall be so presented. The affidavits of which copies shall have been so delivered and served as aforesaid, but no others, may be read against confirming the said report, and affidavits may also be read to sustain the same, but no cause against such confirmation shall be heard, except an appeal shall have been made in the manner provided in the last section. If no sufficient reason to the contrary shall appear to the court, they shall confirm said report; or if, in their opinion, the same ought not to be confirmed, they shall refuse to do so; and in the event of such refusal they shall refer it back for revision and correction to the same or other commissioners, who shall proceed to revise and correct the same, and file it, or a new report, with the chamberlain of said city. The chamberlain shall thereupon cause a new notice to be published in the manner required in the last preceding section of the filing of such report, and of an application to be made for the confirmation of such report. The said report may be appealed from in the same manner and within the time specified in said last preceding section, and such appeal shall be proceeded upon, and such report disposed of in the manner required in this section; and as often as any such report shall be referred back for revision and correction, the like proceedings shall be thereupon had as are provided in this section upon a first reference back to the commissioner. The court shall have power to direct specific alterations in such report, and such alterations shall then be made in its presence, and they may thereupon confirm the report so amended without further notice. The court, to which any such report shall be presented for confirmation, shall have discretionary power to award costs against the appellant in cases where the appeal shall not be sustained.

§ 9. After the report of the commissioners shall be confirmed as aforesaid, the said report shall be delivered to the common council, who shall then authorize such improvement to be made. All assessments contained in the report so confirmed shall be liens on the premises on which the same are assessed, and shall be collected in the same manner as is hereinbefore provided for the collection of taxes for city purposes, and the premises charged with such assessments may be sold for the payment thereof, and all the provisions of the fifth title of this act, in relation to sales for taxes, shall apply to the sales for the collection of assessments, and the same, when collected, shall be paid to the city treasurer. The said treasurer shall pay to the persons to whom compensation is awarded in such reports, the amount awarded to each respectively without any deduction; and in case such persons, or any of them, shall refuse to accept such damages, the said treasurer shall deposit the same in one of the banks of said city, for the use of such persons, and payable to his or her order. And in case any person to whom compensation is awarded shall be an infant, or insane, or not a resident of this State, or unknown, the court confirming such report at the time of such confirmation, or on a subsequent application, shall direct where and in what manner such compensation awarded to such person shall be paid or deposited for his or her benefit, and the treasurer shall pay or deposit the same accordingly. Upon such compensation being duly paid or deposited as aforesaid, the land for which the compensation was awarded may be taken and appropriated by the city

Appeal,
when to
be heard.

When
report to
be refer-
red back
for correc-
tion.

Notice of
filing new
report, &c.

Appeal
and pro-
ceedings
thereon.

Court may
direct
specific
altera-
tions.

Costs.

Assess-
ments to
be liens.
How col-
lected.

Sales.

Treasurer
to pay
awards.

Court to
direct
how com-
pensation
to an in-
fant, in-
sane per-
son or
non-resi-
dent shall
be paid.
When the
city may
appropri-

for the purpose of improvement, as stated in the other* directing the same.

§ 10. Whenever the common council shall cause any street to be graded they shall ascertain the expense of such improvement, and enter the amount thereof in the minutes of their proceedings, and shall then assess the said amount upon all the real estate in the said city benefited by the improvement; in which assessment they shall briefly describe the parcel of real estate on and in respect of which any such assessment is made, and the amount assessed upon each parcel of land, and shall thereupon cause a notice to be published in a public newspaper printed in said city, for ten days, that such assessment has been made and filed, and that the common council will meet at a time to be named in said notice, not less than two weeks after the first publication thereof, to hear any objections which may be made to such assessment, and in the meantime the said assessment may be examined without expense by any person desiring to examine the same. At the time and place specified in such notice, the common council shall hear such objections as shall be made to the said assessment, and shall review the same, and may adjourn such proceedings from time to time, and may alter and amend the said assessment in their discretion; and when they shall deem it to be correct, they shall confirm the same, and the amount shall then be collected in the manner hereinbefore provided for the collection of taxes for city purposes, and each assessment shall be a lien on the premises on which it is assessed, and may be collected by a sale of premises; and all the provisions of the fifth title of this act in relation to the collection of taxes for city purposes, and the sale of lands for taxes, shall apply to the collection of such assessment and the sale of lands for that purpose; and such assessment shall be collected by the treasurer of the city.

ate the land.

Grading, common council to ascertain expenses, &c.

Assessment, notice that same has been made and filed, &c.

Hearing of objections.

Confirmation of assessment and collection thereof.

TITLE VII.

OF THE POLICE DEPARTMENT.

SECTION 1. The recorder of said city shall, except in cases of his absence from the city, or inability from sickness or other cause to act, have jurisdiction exclusive of any justice of the peace or other officer in said city, except the mayor and judges of courts of records; to issue all criminal process and all process other than, in civil actions, which a single justice or two justices of the peace in towns are empowered or directed by law to issue; to hear all complaints and conduct all examinations in criminal cases; to hold courts of special sessions, with all the power and jurisdiction of such courts as regulated by statute; to try, convict and sentence all persons who may be guilty of any offenses which are triable by courts of special sessions, and to commit for trial all persons who shall be guilty of felonies not triable in such courts.

Recorder, his jurisdiction.

§ 2. The common council of said city shall provide a suitable office in said city for said recorder, whose duty it shall be to attend at such office at all reasonable hours, and to hear all matters within his jurisdiction.

Common council to provide office.

§ 3. In case of the sickness, absence from the city, disability or inability to act of the said recorder, his powers and duties are hereby conferred and imposed upon either of the several justices of the peace of the said city. And in case any warrant issued by the said recorder shall be returned during his absence from the said city, or sickness,

In case of absence, &c., justice of the peace to perform his duties.

* So in original.

Warrant returned in absence of recorder, proceedings on.

any further proceedings on such warrant may be had before any justice of the peace of said city, and a justice of the peace, having once obtained jurisdiction over any matter under this section, may retain it and proceed to the determination of it, and shall be entitled to receive for his services the same fees that justices of the peace are entitled to receive, to be audited, allowed and paid in the same way. In signing process he shall add "acting as recorder." The bill for such services performed by a justice of the peace shall be presented, duly verified, to the common council at the next regular meeting thereof after such services shall have been rendered; and in case of an omission so to do, the city shall not be liable to pay the same. And every case or proceeding heard by a justice of the peace acting as recorder, shall be reported by such justice to the recorder immediately upon his resuming the duties of his office.

Bill for services to be presented to common council.

Fees.

§ 4. The said recorder shall not be entitled to receive for his own benefit any fees for services performed under this act, but he shall demand and receive, before issuing any process or taking any recognizance, the fees provided by law, and all fees and charges which may be legally payable, whenever any suit or proceeding pending before him shall be settled or dismissed by consent, including constable's fees; all such costs and fees, and all fines imposed and collected by said recorder, shall be paid to the chamberlain once in every month; the recorder shall keep an account of all such fees and fines, and of all the criminal business done by him, in two separate parts, one of which shall consist of such items as are town charges, and the other of such as are county charges, and in lieu of the fees he shall receive an annual salary of fifteen hundred dollars, and be entitled to the use and occupation of a suitable room to be furnished by the common council, as provided in section second of this title, which salary shall not be altered during his term of office, and shall be paid and allowed by the board of supervisors of the county of Dutchess, on presentation of his account as aforesaid, duly verified; and said salary shall be apportioned by said board of supervisors, from and according to the account of fees and services as town and county expenses; so much of said salary as shall be properly chargeable to the county shall be paid by the county, and the balance of said salary shall be paid by said city of Poughkeepsie, and said salary shall be raised and paid by the said board of supervisors as town and county charges are allowed and paid, as herein provided.

Costs, fines, &c., to be paid to the chamberlain.

Recorder's salary.

How paid.

Complaint against a person holding a license, mayor or recorder may hear.

§ 5. The mayor or recorder of the city may hear, in a summary way, any complaint for any violation of the laws of the State, or the ordinances of the corporation, against any person to whom a license of any description may have been granted in pursuance of this act, and may compel the attendance of witnesses on the hearing of such complaint, in the same manner as justices of the peace in the trial of civil causes, and on such hearing may annul such license or suspend the same for any certain time. Every determination on such complaint shall be forthwith filed with the chamberlain of the city, who shall serve a certified copy thereof on the person holding the license affected by such determination, either personally or by leaving the same at his or her usual place of abode or business; and from the time of such service, license shall be deemed to be annulled or suspended, according to the tenor of such determination, until the same shall be reversed by the common council. At least twenty-four hours' notice of the time and place of hearing such complaint shall be served on the persons complained of, and such person may appeal from the determination of the

Determination to be filed with chamberlain.

Notice of hearing.

Appeal.

mayor or recorder, within forty-eight hours after the same shall have been made to the common council, who shall have power to reverse or affirm the same; but such appeal shall not suspend or in any manner affect such determination until the decision of the common council thereon.

§ 6. The common council of said city shall annually, as soon as practicable after the annual election, appoint two proper persons to be police constables for said city, who shall hold their office for one year, and until successors shall be appointed. The said police constables shall possess the exclusive power of serving all criminal or other process issued by the recorder or acting recorder or mayor, and of performing all acts in relation to criminal offenses which police officers or constables are authorized to perform, except that every constable of said city shall have power to arrest and bring before a proper officer for examination, any person who may, in the view or presence of such officer, be guilty of any offense against any of the laws or statutes of the State. It shall be the duty of the said police constables to attend at the recorder's office at all reasonable hours of the day, to obey at all times all process or directions of the mayor or recorder, duly issued or given, for the preservation of the public peace and order, and to arrest, whenever they shall be called upon or sent by the mayor, recorder or common council, to keep the public peace; or to arrest any person charged with any offense. In any case of the absence continued, continued detention or inability to act of both said constables, the mayor, recorder or acting recorder may designate any person by an appointment in writing, to serve any process issued by either of such officers. Every person so appointed shall possess all the powers of a police constable under this act in relation to the particular process of service for which he is appointed, and which must be specified in such written appointment.

Common council to appoint police constables. Their powers.

Their duties.

Mayor or recorder may designate person to serve process.

§ 7. The said police constables shall not be entitled to receive for their own use any fees for services performed by them of a criminal nature, issued by the recorder or any justice of the peace acting as recorder under this act, but each one shall receive the annual compensation of three hundred and fifty dollars, or such less sum as the common council shall prescribe, and in addition thereto the usual mileage in all cases of felonies in which he shall have traveled more than two miles to perform the services. Each one of said officers shall keep a book, in which shall be entered all business done by him, and shall make out his account of all such business in cases of felonies against the county of Dutchess, duly verified by him, which shall be audited, and shall annually at the time of the presentation of claims against the county make out an account of all charges made by him against the county for services rendered in cases of felonies, duly verified, and* the same to the board of supervisors of the county of Dutchess, which board shall audit and levy the same as other county charges, and hand the same over to its chamberlain as money belonging to the said city; and all fines received by said police constable shall be paid over to said chamberlain. The said salary of said police constables, and their mileage fees allowed by this section, shall be audited and paid as other charges against the said city out of the contingent fund thereof. The mayor of said city shall be authorized whenever the public interest shall require, to appoint special constables, not exceeding twenty-five in number, who shall hold their office by

Not to receive fees.

Their compensation. Mileage.

To keep book.

Account against county.

Salaries and mileage to be audited, &c.

Special constables, may appoint.

Oath of office.

virtue of such appointment for such period as the mayor shall direct, not exceeding two weeks under any one appointment. Such special constables shall forthwith take the oath of office, and shall thereupon become vested with all the powers and shall discharge all duties of police constables under this act and in pursuance of the statutes of the State, as they may be directed by the mayor or other competent authority; and whenever any special constable shall be appointed by the common council of said city, they shall take the oath of office in like manner, and shall possess the power and discharge the duties of police constables as aforesaid. And the common council shall be authorized to fix the compensation of all such special constables.

Compensation.

Night police, common council may appoint. Powers and duties.

§ 8. The common council are hereby authorized to appoint proper persons, not to exceed twelve in number, who shall serve and be known as the "night police," each of whom shall hold office during the pleasure of the common council, by virtue of such appointment. It shall be the duty of the persons so appointed to perform all police duty at night, under such regulations as the common council shall prescribe. They are hereby authorized to perform all acts in relation to criminal offenses, which police officers are authorized to perform, and shall have power to arrest and bring before a proper officer for examination any person who may in their view or presence be guilty of any offense against any of the laws or statutes of the State. The common council shall fix the compensation of such officer, not to exceed two dollars per night.

Compensation.

TITLE VIII.

OF THE FIRE LIMITS AND THE PREVENTION AND EXTINGUISHMENT OF FIRES.

Fire limits, &c., remain in force.

SECTION 1. The fire limits as now established in the city of Poughkeepsie, and the provisions regulating the erection of buildings within such limits, shall remain in force under this act, subject to the power of the common council to alter the same; and hereafter the said common council, for the purpose of guarding against calamities by fire, shall have the power, by ordinance, from time to time, to prescribe the limits in said city within which wooden buildings shall not be erected or placed, and to direct that all or any buildings within the limits prescribed shall be made or constructed of stone, brick or metal, with partition walls, fire-proof roofs, and brick, stone, or metallic cornices and eave-troughs, under such penalties as may be prescribed by the common council, not exceeding one hundred dollars for any one offense, and the further sum of twenty-five dollars for each and every week any building so prohibited shall be continued.

Common council may fix limits within which wooden buildings shall not be erected, &c.

Penalties.

Buildings erected contrary to above provisions declared a nuisance.

Additions and repairs to wooden buildings.

Proviso.

§ 2. Every building hereafter erected contrary to the foregoing provisions, or to any ordinance made in pursuance of the foregoing section, is hereby declared to be a common nuisance, and may be abated and removed as such by the direction of the common council of said city. But the common council shall have the power, in their discretion, on an application to them for that purpose, to authorize the owner of any building constructed of wood, within said fire limits, to make additions and repairs thereto of wood, provided such addition shall not be of sufficient size to constitute a dwellinghouse, workshop or store, if the main building should be removed, or exceed in front twelve feet in width; provided, that no such permission shall be granted until the applicant has filed with the chamberlain a diagram and specifications showing the plan, location, dimensions and nature of such addition and repairs, and the resolution granting such permission shall set forth the location, plan

dimensions and nature of such addition and repairs, either in its terms, or by reference to a diagram and specifications filed with the chamberlain.

§ 3. The common council of said city is hereby vested with all the powers and subject to all the duties of the trustees of the village of Poughkeepsie, in the act entitled "An act to prevent fires in the village of Poughkeepsie," passed July eighth, eighteen hundred and fifty-one. And the recorder of said city is vested with all the powers and subject to all the duties of the police justices vested in said act, which is hereby continued in full force.

Powers of common council to prevent fires.

Recorder, further powers of.

§ 4. The common council shall have power, by ordinance, to regulate the construction of chimneys so as to admit chimney sweeps, and to compel the sweeping and cleaning of chimneys, flues, stove-pipes and other conductors of smoke, and to prevent chimney sweeps from sweeping unless licensed as they shall direct; to prevent a dangerous construction or condition of chimneys, fire-places, hearth-stones, stove-pipes, ovens, boilers and apparatus used in any building or manufactory, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; to prevent the deposits of ashes in unsafe places; to regulate and to prevent the carrying on of manufactories dangerous in causing or promoting fires; and to regulate and prevent the use of fire-works and fire-arms within the city limits; to compel the owners and occupants of houses and other buildings to have scuttlies in roofs, and stairs and ladders leading to the same; to authorize the mayor, aldermen, fire-wardens or other officers of said city to keep away from the vicinity of any fire all idle and suspicious persons; to compel all officers of said city, and other persons, to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat; and generally to establish such regulations for the prevention or extinguishment of fires as they may deem expedient.

Common council may regulate construction of chimneys, &c.

Deposit of ashes, fire-works, &c.

Scuttlies, &c.

§ 5. The mayor and aldermen shall be fire-wardens, and shall possess all the powers of fire-wardens under this act.

Fire wardens.

§ 6. The fire-wardens shall have power at all reasonable times, and it shall be their duty to enter into and examine all the dwelling-houses, out-houses, lots and yards in their respective wards, in the day time, to inspect all places therein where fires are used, to ascertain how ashes are kept, to direct obedience to all ordinances of the common council relating to the prevention of fires, and to report to the common council all infractions thereof, that are not forthwith amended.

May enter and examine dwelling houses, &c.

§ 7. The common council shall procure fire-engines and other apparatus used for the extinguishment of fires, and provide fit and secure engine houses and other places for keeping and preserving the same whenever authorized by a vote of the inhabitants of said city, as prescribed by section thirteen of title five of this act, and shall have the charge and control of the same, and shall have power to organize fire, hook and ladder, hose and axe companies, to prescribe powers and duties of the chief engineer and the two assistants, and to appoint a competent number of able and reputable inhabitants of said city firemen to take the care and management of the engines and other apparatus and implements used or provided for extinguishment of fires; to prescribe the duties of firemen, and to make rules and regulations for their government, and to impose such reasonable fines and forfeitures upon said firemen for a violation of the same, as the said council may deem proper, and for incapacity, neglect of duty or misconduct, to remove them and appoint others in their places.

Fire engines, apparatus, &c.

Fire companies, &c.

Duties of firemen, &c.

Exemption from jury and militia service.

§ 8. The engineers of the fire department, fire-wardens and all firemen, hook and ladder, hose and axemen of the city, shall be exempt from serving on juries in all cases, and from serving in the militia, except in cases of war, invasion or insurrection, and from highway poll-tax. The name of each person appointed to any of the said offices or post shall be registered with the chamberlain of the city, and the evidence to entitle him to any exemption provided in this section shall be the certificate of the chamberlain, made within the year in which that exemption is claimed.

Five years service as fireman exempts from jury and militia service.

§ 9. Every fireman who shall have faithfully served as such in said city, including as well any period before as after the passage of this act, five consecutive years, shall be thereafter exempt from serving on juries in all courts, or in the militia, except in cases of war, invasion or insurrection, and the evidence to entitle such person to the exemption as provided in this section shall be a certificate under the corporate seal, signed by the mayor and chamberlain.

TITLE IX.

THE LAMP DISTRICT.

Lamp districts.

SECTION 1. The present lamp districts of said village of Poughkeepsie are hereby made and constituted lamp districts of said city, under the control and management of the common council, and the costs and expenses of maintaining and keeping in repair the lamps, lamp posts and fixtures, and the expense of lighting, and of gas shall be borne by such districts, which expense shall be assessed and apportioned by said common council as a tax against the real and personal estate in such district, to be ascertained and fixed by the last assessment roll of said city, and shall be levied and collected with and at the time of the city tax against such owner or owners of such real and personal estate. All such moneys shall be kept by the treasurer distinct from other moneys and entered in a separate account, to be known as the lamp fund.

Expenses to be borne by the districts.

To be collected with city tax.

Other lamp districts, how established.

§ 2. Whenever the common council of said city shall deem it expedient and necessary to establish other lamp districts in said city, they shall call a meeting of the owners of the real estate fronting on the streets and sections of streets within such proposed district, at some convenient place, by causing notices of, and stating the object of such meeting, to be published at least two weeks successively in one of the public newspapers printed in said city; and whenever the owners of more than one-half the number of feet fronting on either side of the street and sections of streets as aforesaid shall, at such meeting, by themselves or their agents, duly authorized in writing, vote for or assent to the lighting of the streets in such districts in this act mentioned, then the said common council shall thereby be authorized and directed to cause lamp posts and lamps, with suitable fixtures, to be placed at proper distances within such district or districts, and to cause the same, from and after the first day of January then next, to be lighted with gas or any other article during the night, or such portion thereof as they may deem best.

Expenses of lamps, fixtures, &c., how assessed.

To be collected with city taxes.

§ 3. The cost and expense of purchasing, erecting and fitting up such lamp posts, lamps and fixtures, shall be assessed and apportioned by said common council, as a tax among the respective owners of the several parcels of real estate fronting on either side of the streets and sections of streets within the proposed districts, according to the number of feet fronting on such streets, and sections of streets, and shall be levied and collected with and at the time of the general city tax, against such owners on account of the respective parcels aforesaid; and the

further costs of and expenses on lighting said streets, and of making the necessary alterations and repairs of said posts, lamps and fixtures, shall be borne, assessed and apportioned against the real and personal estate in such district, in the same manner as is above provided, and shall in the same manner as above provided be added, levied and collected with at the time of the general tax of said city, against the owners of such real and personal estate respectively.

Expenses of lighting streets, &c., how borne.

§ 4. The said common council may from time to time make any addition to said lamp district or districts they may deem proper, and may in like manner, as is provided by the second section, become authorized and directed to cause lamp posts and lamps and suitable fixtures to be placed at a proper distance within such additions, and the costs and expense thereof shall be borne, assessed and apportioned among the respective owners of the several parcels in the same manner as is provided in the last section, and in every other respect every such addition shall be deemed a part of the original lamp district, and be subject to all the provisions hereinbefore made in relation thereto, in the same manner as if it had been originally included in the lamp district.

Additions to lamp districts, common council may make.

TITLE X.

OF SCHOOLS AND THE BOARD OF EDUCATION.

SECTION 1. There shall be elected in said city at every annual election, four commissioners of schools, who shall hold their office for three years, and till their successors shall qualify.

School commissioners.

§ 2. The said commissioners shall meet on the first day of January in each year unless the same shall be on Sunday, in which case they shall meet on the next day, and organize a board of education; they shall elect one of their number to be president; they may employ a clerk at a reasonable compensation, and a librarian, to have the charge of the public library, and may pay him a reasonable salary out of the school fund of the city. They shall have the charge and control of the public schools in the city of Poughkeepsie, and shall exercise the powers and discharge the duties in respect to said schools of trustees of school districts under the statutes of this State; they shall also have charge and control of the district school library, which shall be hereafter known as the city library of Poughkeepsie, and may make all necessary and proper regulations concerning the same; and they may appropriate for the benefit of said library, out of the moneys annually raised in said city by the school tax, an amount not exceeding five hundred dollars, in addition to the library money received from the State.

To meet and organize a board of education.

President, clerk and librarian. Powers and duties of the board.

§ 3. The board of education shall, on the first day of November in each year, estimate and certify to the common council what amount of money, added to the money which will be received from the State, will be needed for the support of all the schools under their superintendence for the next year, which said amount shall not be more than three times the sum received from the State, specifying in detail the objects for which the same will be required and the amount for each object, and the common council shall cause the moneys in said certificate mentioned, or so much thereof as they shall deem necessary, to be levied and collected as provided in section one of title five of this act. All such moneys shall be kept in a separate fund, to be known as the school fund.

Yearly estimate of amount necessary for school purposes.

Common council to levy and collect same.

§ 4. It shall be the duty of the board of education to make to the common council an annual report on the thirty-first day of December of each year, setting forth the number and condition of each school under

Report of board of education.

their charge, and containing an exact and accurate account of all moneys received by them and the sources from whence received, and of their expenditures, and of all debts incurred by them which are unpaid, and the objects for which such debts were incurred, and to which such expenditures were applied, and the persons to whom they were paid during the preceding year; such report to specify, as far as practicable, the cost of maintaining each school, and to give all other particulars relating to the schools.

Purchase or erection of additional school houses.

To be submitted to electors.

Title to be taken to the city.

Expense to be defrayed by a general tax or by loan.

Loan, how paid.

School moneys.

How paid out.

§ 5. If the board of education shall deem the purchase or erection of an additional school-house proper or necessary, they may recommend the same in their annual report or in a special report adopted at a regular meeting of said board, by two-thirds of the members of said board concurring, stating the location they propose, the cost of the lot, and a plan and estimate for a building. The council of said city may thereupon, by the affirmative vote of two-thirds of its members, submit the question of the purchase or erection of such school-house to the electors, being tax-payers entitled to vote special taxes under this act, at an election to be held in the manner provided by this act in voting special taxes. The said electors shall vote by ballot, on which shall be written or printed "for a school-house," "against a school-house." If a majority of the votes cast shall be cast for a school-house, and not otherwise, it shall be the duty of the common council to certify to the board of education the result of such election, and the said board of education are hereby empowered, and shall forthwith proceed to purchase a lot and erect a building, or purchase a lot and building suitable for a school-house, in such location as to such board of education shall seem best. The title to such lot shall be taken to and shall vest in the city of Poughkeepsie; and the cost of building and furnishing such school-house, including the lot, shall in no case exceed the amount estimated by the board of education, in their recommendation to the common council; and the expense thereof, including the lot, shall be defrayed by a general tax, which the council shall levy and collect in the same manner as other school taxes are levied and collected; or if said council shall deem best, such money may be raised by loan on the credit of the city, which the said mayor and council are hereby authorized to pledge for such purpose, in the same manner as is by this act provided in relation to loans by said city; said loan to be paid in annual installments with interest, within the period of twenty years, for which time said council shall have power and are hereby authorized to pledge the credit of said city, or for such less times as to the said council shall seem proper; and the installments, with interest, shall be levied and collected, together with the annual taxes, as the said installments become due.

§ 6. The treasurer of the city of Poughkeepsie is hereby designated as the person to receive all public money which the said city or the schools therein, are or shall be entitled to receive from the State, or by tax or loan from the city, and the said treasurer shall pay all school moneys to the president of the board of education, upon his executing and filing with the chamberlain a bond to the city of Poughkeepsie, in such sums as the council shall direct and with such sureties as the mayor shall approve, conditioned that he will faithfully discharge the duties of his trust, and pay over or account for all moneys received by him for school purposes, and all moneys so received by said president shall be deposited in one of the banks of the said city to the credit of the board of education, and shall be paid out by him upon resolutions of said board certified by the clerk, by draft or check, containing the

name of the person to whom paid, and the date of the meeting when the resolution directing the payment of the same was passed by said board, and signed by the presiding officer of said board, and not otherwise.

§ 7. The board of education shall during the month of September in each year, cause to be made an enumeration of all the children then residing within the said city, between the ages of five and twenty-one years of age, and the president of such board shall annually, between the first and fifteenth day of October, make to the superintendent of public instruction, a report for the preceding school year, of all matters and things which trustees of school districts are by law required to report, and of all such other matters and things as the said superintendent shall from time to time require.

Enumeration of children.

Annual report to superintendent of public instruction.

§ 8. The said commissioners of schools shall receive no compensation for their services, and it shall not be lawful for either of them to be concerned or interested, directly or indirectly, in the sale of any books, merchandise or other articles furnished or provided for the use of the schools, nor shall such commissioners or either of them take or receive any profit, reward or emolument for or on account of any books, merchandise or other articles furnished or provided for the use of the schools by any person other than said commissioners; it shall not be lawful for the said commissioners or either of them to be concerned or interested, directly or indirectly, in the sale or lease of any real estate, or the sale of any materials, or in any contract or contracts, for building or repairing any school-house. Every violation of the provisions of this section shall be deemed a misdemeanor, punishable by fine and imprisonment.

Commissioners not to receive compensation, or be interested in sale of books, &c.

Nor be interested in sale of real estate or materials, &c.

§ 9. The said board may make regulations respecting the use and imposing fines or penalties for abuse of books belonging to the city library, and any person incurring any such fine or penalty shall be liable to an action for the same by the city, and the amount received shall be applied as aforesaid to the use of the library.

Fines and penalties for abuse of books.

§ 10. The title of all property, real or personal, now held by the board of education of the city of Poughkeepsie, is hereby vested in and confirmed to the city of Poughkeepsie.

Title of property vested in the city.

§ 11. No repairs, alterations or enlargement of any school or library building shall be made by said board, the expenses whereof shall exceed five hundred dollars in any one instance, unless the said board shall first submit to the common council a statement showing the necessity of such repairs, alterations or enlargement, and the estimated cost of the same, and the common council by the affirmative vote of two-thirds of its members shall authorize the same to be made; and such authority shall not be given unless there shall be in the school fund a sum sufficient to meet such expenditures and all other repairs and expenses to be incurred by said board during the current year.

Repairs, alterations, &c. of buildings.

TITLE XI.

OF THE SUPPORT OF THE POOR.

SECTION 1. The city of Poughkeepsie shall not hereafter be subjected to taxation for the support or maintenance of the poor of or in the towns of the county of Dutchess, nor shall the towns of the county of Dutchess be taxed or required to contribute for the support of the poor of or in the city of Poughkeepsie; but such city of Poughkeepsie, for all the purposes of supporting the poor within its limits, and carrying

The city to be a separate district for the purpose of supporting the poor.

into effect the laws of the State for the support and relief of indigent persons, shall be a separate and distinct district.

Commissioners of the alms-house.

§ 2. There shall be elected in said city, at every annual election, two commissioners of the alms-house, who shall hold their office for three years and till their successors shall qualify. Said commissioners shall constitute a corporation by the name of "The Commissioners of the Alms-House of the city of Poughkeepsie," which shall possess the usual powers of a corporation for public purposes.

Their powers and duties.

§ 3. The said commissioners of the alms-house shall have the sole and exclusive care and management of the poor in said city, and shall provide for and maintain the persons enumerated in the fourteenth section of the act concerning "the relief and support of indigent persons," in the manner hereinafter mentioned; and for that purpose they shall have and exercise all the powers and authority now vested by law in the overseers of the poor of towns, and in the superintendents of the poor of counties, not inconsistent with the provisions of this act. They shall also have and possess the powers following:

Powers.

To appoint a superintendent of the poor, &c.

1. To appoint, by a resolution to be entered upon their minutes, an officer to be denominated "the superintendent of the poor of the city of Poughkeepsie," and to employ such other agents as may be necessary, in order to carry into effect the purposes of this act; which said superintendent and other agents shall hold their offices during the pleasure of the said commissioners, and receive such fixed annual salary, as a compensation for their services, as the said commissioners may direct.

To visit and inquire into the circumstances of the poor, &c.

2. To visit the poor of the said city at their several places of residence and inquire and examine into their circumstances, the number and ages of the members of their families, the places of their former residence, their employments, for what length of time and to what extent they have been dependent on the public for support, their ability to labor, and the cause of their poverty; and the commissioners may direct either permanent or temporary relief to such poor persons, under such rules and regulations as they may from time to time adopt.

Provisions, fuel, &c.

3. To contract for, purchase and provide provisions, fuel, clothing and other necessities for the support of or distribution amongst the poor, and such cattle, stock, furniture and farming utensils for the alms-house and lands as in their judgment they may deem necessary.

Place for confinement of vagrants.

4. To cause to be constructed within, or within the vicinity of said alms-house, a cell or cells, or other place or places of confinement, for the temporary imprisonment or detention of vagrants. And the recorder of the city of Poughkeepsie is hereby required by his warrant, to be directed to and executed by one of the police officers of said city, to commit to the custody of the keeper of the said alms-house, to be confined in such cells or places of confinement, all persons adjudged vagrants, according to the provisions of the act concerning beggars and vagrants, and sentenced by him to imprisonment therefor; and the keeper of said alms-house is hereby authorized to require all persons so committed to his charge to do and perform such work and labor as the superintendent of the poor of said city shall direct; and the board

Labor.

Support a county charge.

and maintenance of every such vagrant who, by the provisions of the acts concerning beggars and vagrants, would have been sentenced to the county jail, at a sum not exceeding two dollars per week, for a term not exceeding sixty days, upon any one conviction, shall be a county charge, and shall be audited and paid in the same manner as other county charges.

5. The said commissioners shall also have power to receive from the commissioners of emigration all moneys they may become entitled to receive for and on account of foreign paupers relieved by them. Foreign paupers.

6. Such commissioners may also appoint one of their body president. They shall keep a written record of their proceedings, and may establish rules and regulations for their own government, the government of their superintendent, and their other agents and servants, in the examination of paupers and others applying for or entitled to relief, or for admission to the alms-house, and in the distribution of food, fuel, clothing and other necessities among the poor of the city. To appoint a president and establish rules.

7. They shall have the powers superintendents of the poor now have in relation to lunatics within said city, and to provide for their safe-keeping in a proper place in such city, or to send them to a lunatic asylum. Powers in relation to lunatics.

8. They shall have the same powers as overseers of the poor and county superintendents of the poor now have in relation to bastards within said city; and all proceedings to be had in such cases shall be in their corporate name, and all bonds required according to the provisions of the statutes relating to bastards, shall be given to them in their corporate name; but nothing in this act contained shall be construed to release or discharge the superintendents of the poor of Dutchess county from their liability to any person or persons residing in the city of Poughkeepsie, supporting any bastard child already chargeable to said county of Dutchess, in cases in which they have heretofore compromised with the putative father for such support. In relation to bastards.

§ 4. All penalties which may hereafter be incurred for violations committed in the city of Poughkeepsie, in the county of Dutchess, of any of the laws of this State, relating to the sale of intoxicating liquors, may be sued for and recovered by the commissioners of the alms-house of the city of Poughkeepsie by civil action, in their corporate name, before any justice of the peace of said city, or in the county court of Dutchess county, or in the Supreme Court; and said penalties, when collected, shall be applied to the support of the poor of said city. Penalties for violations of excise laws may be sued for by the commissioners, &c.

§ 5. All moneys which shall be collected and received by the commissioners of excise in the city of Poughkeepsie in the county of Dutchess, or by any other officers of said city arising from licenses granted in said city, under the laws of this State regulating the sale of intoxicating liquors, or for penalties incurred for violations of such laws, committed in said city, shall be paid over by the officers receiving the same, within twenty days after they shall receive the same, to the commissioners of the alms-house of the city of Poughkeepsie, for the support of the poor of said city. Excise moneys, penalties, &c., to be paid to them.

§ 6. All fines imposed or hereafter to be imposed by the recorder of the city of Poughkeepsie, or by any justice of the peace of the city of Poughkeepsie, or by any court of criminal jurisdiction in the county of Dutchess, for drunkenness or for violation of any of the laws of this State relating to intoxicating liquors, or the sale thereof, shall be paid over by the officer or officers receiving such fines, to the commissioners of the alms-house of the city of Poughkeepsie for the support of the poor of said city. Fines for drunkenness, &c., to be paid to commissioners.

§ 7. The said superintendent of the poor shall keep an office, to be provided for him by the said commissioners, in the city of Poughkeepsie, which shall be open and accessible to those having business therein at such hours as said commissioners may designate. He shall devote his time and attention to the discharge of his public duties, and shall, amongst other things, attend the meetings of the said board of commis- Superintendent of the poor his duties. To attend meetings of com-

Mission-
ers, &c.

Minutes,
account,
&c.

Relief to
the poor.

Annual
report of
commis-
sioners, its
contents.

Annual
estimate.

Common
council to
lay
amount.

Separate
fund.

Treasurer
to pay to
president
of commis-
sioners.

Money to
be deposi-
ted.
How paid.

Foreign
paupers,
support of.

sioners, and act as the secretary thereof. He shall aid them in the examination into the circumstances and conditions of the poor persons applying for and entitled to relief, as provided in the second subdivision of section third of this act, and shall keep a record of such examinations. He shall keep the minutes of the proceedings of the commissioners, and an account of their receipts and disbursements, together with the names of the persons relieved, the manner of the relief, and the time when it was rendered, and prepare their annual and other reports. He shall carry into effect the orders and directions of the said commissioners in distributing relief to poor persons, and generally perform all such duties as may be assigned to him from time to time.

§ 8. The said commissioners shall annually, on the thirty-first day of December in each year, make to the common council a report containing an exact and accurate account of all moneys received by them, and the sources from whence such moneys were received, during the preceding year; an exact and accurate account of all their expenditures, and of all debts incurred by them, which are unpaid for the same period of time, and the objects for which such debts were incurred, and to which such expenditures were applied, and the persons to whom they were paid for the same period of time also; the number of persons admitted and discharged from the alms-house; the number of those provided with out-door relief; the expenses incurred for keeping and supplying such alms-house, and the expenses incurred for such out-door relief during the year.

§ 9. The said commissioners shall also on the first day of November in each year, make a written estimate to be signed by them, of the amount of money which, in their judgment, will be required for the support of the poor of said city during the next year; which said estimate shall, by the said commissioners, be laid before the common council of the city of Poughkeepsie, who shall cause the moneys in said estimate mentioned, or such part thereof as they shall deem necessary, to be levied and collected on said city, as provided in section first of title fifth of this act. All such moneys shall be kept in a separate fund to be known as the poor fund. The treasurer of said city shall pay the same when collected to the president of said commissioners upon his executing and filing with the chamberlain a bond to the city of Poughkeepsie, in such sum as the council shall direct, and with such sureties as the mayor shall approve, conditioned that he will faithfully discharge the duties of his trust, and pay over or account for all moneys received by him as such president, and all moneys so received by him shall be deposited in one of the banks of said city to the credit of such commissioners of the alms-house, and shall be paid out by said president upon resolution of said commissioners certified by their secretary, by check containing the name of the person to whom paid, and for what purpose, and the date of the meeting when the resolution directing the payment of the same was passed by said board and signed by said president and secretary, and not otherwise.

§ 10. The commissioners of emigration of this State shall, from time to time, pay to the said commissioners of the alms-house of the city of Poughkeepsie all moneys expended by them for the support of foreign paupers in the said city, out of the commutation moneys in the hands of such commissioners of emigration, according to the provisions of the act "Concerning passengers in vessels coming to the city of New York," passed May fifth, eighteen hundred and forty-seven, and the several acts amending the same.

§ 11. The said commissioners of the alms-house shall receive no compensation for their services whatever, for any services to be rendered by them under the provisions of this act, but all reasonable and proper expenses incurred by them in executing their trusts as such commissioners shall be paid out of any moneys raised for the support of the poor as herein mentioned.

Commissioners not to receive compensation.

§ 12. Whenever it shall become necessary to take proof of any fact or facts by affidavits or otherwise, to entitle the said commissioners of the alms-house to receive moneys from the commissioners of emigration, or any other fact, the proof of which may be necessary to enable the said commissioners of the alms-house to carry into effect the provisions of this act, such oath may be administered by, and such affidavit taken before, any one of the said commissioners or of the said superintendent of the poor, who are hereby authorized to administer oaths.

Oaths, who may administer.

§ 13. It shall not be lawful for the said commissioners of the alms-house, or either of them, or the said superintendents of the poor, to be concerned or interested, directly or indirectly, in the sale of any goods, merchandise or other personal property found, furnished or provided for the use of the poor of the said city of Poughkeepsie; nor shall such commissioners and superintendents, or either of them, take or receive any profit, reward or emolument for or on account of any goods, merchandise or personal property, found, furnished or provided, by any person or persons other than such commissioners, for the use of the poor of said city; every violation of the provisions of this section shall be deemed a misdemeanor punishable by fine and imprisonment.

Commissioners and superintendents not to be interested in sale of goods, &c., for use of poor.

Misdemeanor.

§ 14. No person shall be disqualified from acting as judge, recorder, justice, witness or juror, by reason of his being a resident, inhabitant or freeholder in said city of Poughkeepsie, in any action or proceeding in which the said commissioners of the alms-house are a party. The inhabitants of the city of Poughkeepsie shall not, after the passage of this act, be entitled to vote for superintendents of the poor of Dutchess county at any election for such officer.

A resident not disqualified from acting as juror, &c.

§ 15. All the provisions of the Revised Statutes, in relation to the settlement of the poor and their removal from one county to another, shall be understood to apply to the two divisions into which the county of Dutchess is divided by this act.

Settlement of the poor, &c.

TITLE XII.

OF THE WATER-WORKS AND SEWERS.

SECTION 1. There shall be elected in the said city at every annual election two water commissioners, who shall hold their offices for three years, and till their successors shall qualify.

Water commissioners to be elected.

§ 2. The said water commissioners shall have the care of and keep in repair the water-works, reservoirs, hydrants and sewers of said city, and shall have and exercise the following powers and duties:

Their powers, &c.

1. To choose one of their number as president, and to appoint by resolution entered upon their minutes, a superintendent and a clerk, who shall hold their offices during the pleasure of said commissioners, and shall receive such salaries as said commissioners shall fix, not exceeding one thousand two hundred dollars for said superintendent, and one thousand dollars for said clerk.

To appoint a president and other officers.

2. To purchase all necessary implements, to hire and employ the requisite laborers, and to direct them as to the time and manner of the execution of their work in making any repairs upon any of the water-

Purchase of implements, employ-

ing labor- works, reservoirs, hydrants and sewers of said city, or in taking care of
ers, &c. the same.

Engineer 3. To employ an engineer and an assistant at the pumping works,
and as- who shall have charge of and keep in order the engines, pumps, filter
sistant, beds, and apparatus thereto belonging, and to pay them such salary as
said commissioners may determine.

Rules and 4. To establish rules and regulations for their own government and
regula- the government of the superintendent and their other agents and ser-
tions. vants, and to prescribe the duties of said officers, agents and servants.

Water 5. To contract for, purchase and provide materials, tools and
pipes and machinery for extending the distribution water pipes and sewers as
sewers. hereinafter mentioned, and to make contracts for the whole or any part
of the work of extending the said pipes or sewers.

Permits 6. To grant permits for the use of the water and sewers, to make
for use of proper rules and regulations for the same, and to provide for the pro-
&c. tection and preservation of the water-works, pipes and sewers, and all
property connected therewith, and to ordain proper penalties, not
exceeding fifty dollars for each offense, for the violation of any such
rules and regulations so made. Such rules and regulations shall be
Rules and printed on each permit and distributed to each house or building
regula- supplied with water, and shall be notice to the owners or occupants
tions. thereof. Such rules may be enforced, and the penalties enacted thereby
collected, with costs, in a civil action, to be brought in the name of the
city in any court having cognizance thereof, and the observance of such
Rules, how enforced, and pen- rules and regulations may also be enforced by cutting off the use and
alties col- supply of water. The penalties so collected shall be paid to the treas-
lected. urer of said city, to be disposed of as hereinafter provided.

Water § 3. The said water commissioners shall establish a scale of annual
rates. rates, to be called "water rates," for water furnished for the ordinary
uses thereof for dwellings, stores, shops, private stables and other com-
mon purposes, according to number of families, or occupants, and con-
Special sumption of water as near as may be practicable, and such special rates,
rates. in addition to the rates established by the scale aforesaid, for hotels,
factories, stables, livery stables and other buildings, establishments and
trades which consume extra quantities of water, as they may direct.
They may from time to time alter, modify, amend and increase or
diminish such rates in said scale, and extend it to any other description
Register. of establishment or use. They shall keep a register containing the
names of all persons furnished with water and the rate paid by each,
and said rates shall be collected by said water commissioners, and
Monthly payment to treasurer. together with all other moneys received by said commissioners, shall be
paid at the end of each and every month to the treasurer of said city,
to be disposed of as hereinafter provided.

Authority § 4. The said water commissioners are hereby authorized to enter in
to make and upon any lands or waters in the county of Dutchess for the purpose
surveys, of making surveys and to acquire for said city, by agreement or apprai-
acquire sals, as hereinafter provided, any lands or waters, easements, privileges,
lands, &c., rights and estates necessary for supplying said city with pure and whole-
for supply- some water, and all such also, as may be necessary for the construction
ing water, or maintenance of sewers within the limits of said city. In case they
&c. cannot agree with the owner or owners, thereof, said commissioners
may, for the purpose of acquiring or perfecting a title thereto, apply to
Applica- the Supreme Court, at a general or special term thereof, to be held in
tion to the second judicial district, for the appointment of three commissioners
supreme court for appointment of commis- to appraise the damages to the said owner or owners of said lands,
sioners to appraise damages, waters, easements, property and privileges, which proceedings shall

be had and conducted in the manner provided by the act entitled "Act to authorize the formation of railroad companies and to regulate the same, passed April second, eighteen hundred and fifty," and acts amendatory thereof, so far as the same are applicable and not inconsistent with the provisions of this act; and on the payment of the damages so assessed, as provided by said railroad act, the city of Poughkeepsie shall thereupon become seized in the fee of the property, rights, easements, and privileges so acquired.

When the city becomes seized of the property.

§ 5. The said water commissioners and all persons acting under their authority shall have the right to use any street, highway, or road within any town in the county of Dutchess, and within the city of Poughkeepsie for the purpose of introducing water into and through any portion of the city of Poughkeepsie, on condition that they shall cause the surface of said street, highway or road to be relaid and restored to its former state, and all damages done thereto to be repaid.

The right to use streets and roads.

§ 6. Said water commissioners may extend the distribution water pipes and sewers through any of the public streets or highways in said city, not exceeding one hundred and sixty rods in any one year, until said water pipes and sewers are introduced in such part or parts of said city as the public interest may require, but on streets or sections of streets where sewers are now constructed they may lay water pipes equal in length to the sewers laid on said streets, and they shall superintend the laying down of the same. Provided, however, that no water pipe shall be laid or sewer constructed in any street or section of a street unless written application shall be made therefor signed by the owners of a majority of the frontage upon such streets or section of a street, except when the laying of a water pipe or the construction of a sewer in any part of the city shall be determined by the commissioners to be indispensable to the proper use or full enjoyment of the water pipes and sewers laid or constructed at the time such determination is made. And provided further, that in streets or sections of streets where sewers are, at the passage of this act, already laid or constructed, the commissioners may, on the written application of the owners of a majority of the frontage upon such street or section of a street, lay water pipe therein equal to the whole length of sewer now laid or constructed in such street or section of a street.

Extension of water pipes and sewers.

Proviso.

An assessment of one dollar and fifty cents per front foot shall be made in all cases where assessments for sewers have not already been made under previous enactments, upon all lots fronting on either side of the streets or sections of streets through which sewers have been or may be constructed, except such portion of the siding of corner lots, or of the front of triangular or irregular lots as the common council may determine to exempt, and the common council shall collect such assessment of and from the owners or occupants of said lots in equal sums in one and two years from date of assessments, with interest, and in the meantime shall issue certificates therefor. And such assessments until paid shall be a lien on the respective lots liable therefor, and shall be collected at the respective times named in said certificates, one-half thereof, with interest, on the whole assessment, in one year, and the other half, with interest thereon, in two years from date, and any lot on which such assessment is a lien may be discharged therefrom by the payment of said assessment and interest to the common council or the officer having authority to receive the same. No interest shall be charged to any person paying the same within ten days after public notice of such assessment. Said assessment, when due, shall be collected in the manner hereinbefore provided for the collection of taxes

Assessment for sewers.

Exception.

When to be collected.

Lien, how discharged.

for city purposes. All costs and expenses of constructing the sewers, man-holes and silt basins in said city, in excess of the amount produced by said assessment shall be brought into a general fund by said common council, to be known as the sewerage debt, and the said common council shall have power, and is hereby authorized to issue bonds or debt certificates therefor, with interest, payable at such times and in such amounts as it shall determine, from ten to twenty years from date; and such bonds or certificates and interest shall be a lien on the whole city, and shall be paid in the same manner—by tax on all the real and personal property of said city—as other city taxes are paid. Provided, however, that whenever any sewer or sewers shall be constructed through any lands other than the public streets in said city, no assessment shall be made upon the lots adjacent, unless the same shall be in condition to use such sewer or sewers by connections therewith, when an assessment of one dollar and fifty cents per foot of frontage along said sewer shall be made on such lots, and collected of and from the owners or occupants thereof, in the manner hereinbefore provided, the same as if said lots fronted on a street through which a sewer had been constructed. And said assessment of one dollar and fifty cents per foot when collected, shall be at once applied by the common council to the payment of the cost of the construction of said sewers, or the payment of any indebtedness or obligation heretofore or hereafter incurred or contracted for the purpose of such construction.

Bonds. **How paid.** **Proviso.** **Annual report of commissioners.** § 7. The said water commissioners shall make to the common council on the thirty-first day of December in each year an annual report of all work done by them or under their direction on the water-works, pipes and sewers during the preceding year, and containing an exact and accurate account of all moneys received by them, and of the sources from whence received, and of their expenditures, and of all debts incurred by them which are unpaid, and the objects for which such debts were incurred and to which such expenditures were applied, and the persons to whom they were paid during the preceding year.

Annual estimate for sewers. **Amount thereof to be assessed, &c.** **Sewer fund.** § 8. The said water commissioners shall, on the first day of November in each year, estimate and certify to the common council what amount of money in their judgment will be required for maintenance of the sewers in said city during the next year, specifying in detail the objects for which the same will be needed, and the amount for each object; and the council shall cause the moneys in said estimate mentioned, or so much thereof as it shall deem necessary, to be assessed and apportioned as a tax against the real estate in the district of said city in which sewers are laid, according to the valuation thereof, to be ascertained and fixed by the last assessment roll of said city, and said moneys shall be levied and collected with and at the time of the city tax against the owner or owners of such real estate. And all such moneys shall be kept in a separate fund, to be known as the sewer fund.

Estimate for water works. **Money to be set apart, &c.** **Estimate of moneys from** The said commissioners shall also at the same time, and in like manner, estimate and certify to the common council what amount of money in their judgment will be required for the maintenance of the water-works in said city, including the cost of extending the distribution water pipes, during the next year; and the common council shall direct the moneys in said estimate mentioned, or so much thereof as it shall deem necessary, to be set apart from the moneys received by said water commissioners, as the same shall be received, to a separate fund to be known as the water fund. The said commissioners shall also on the first day of November in each year estimate and report to the common

council the amount of money which in their judgment will be received from water rates and other sources during the next year, and if said amount shall not be sufficient to pay the aforesaid appropriation to the water fund, then the deficiency, together with five per cent. on the amount outstanding of the loan or loans known as the water stock of the city of Poughkeepsie, shall be assessed and apportioned by the common council as a tax against the real estate in the district of said city in which water distribution pipes are laid, according to the valuations thereof, to be ascertained and fixed by the last assessment roll of said city, and said moneys shall be levied and collected with and at the time of the city tax against the owner or owners of said real estate; and the surplus of the proceeds of said tax, after deducting the amount required as aforesaid for the deficiency in the water fund, shall be placed in the public debt fund. In case the amount received from the water rates shall equal or exceed that appropriated to the water fund, then five per cent. on the amount outstanding of the loan or loans known as the water stock of the city of Poughkeepsie shall be assessed and collected, as hereinbefore provided, from the owners of the real estate in the district of said city in which water distribution pipes are laid, and the money so raised shall be placed in the public debt fund. All moneys received by the water commissioners for water rates, or otherwise, according to the provisions of this act, during the remainder of the current year, after the passage of this act, are hereby appropriated to said water fund.

water rates.

Deficiency to be assessed.

Water fund.

§ 9. The treasurer of the said city shall pay the moneys in the sewer fund and water fund when collected to the president of said water commissioners, upon his executing and filing with the chamberlain a bond to the city of Poughkeepsie, in such sum as the common council shall direct, and with such sureties as the mayor shall approve, conditioned that he will faithfully discharge the duties of his trust, and pay over or account for all moneys received by him as such president, and all moneys so received by him shall be deposited in one of the banks of said city to the credit of said commissioners, and shall be paid out by said president upon resolution of said commissioners, certified by their clerk, by check containing the name of the person to whom paid, for what purpose and from what fund, and the date of the meeting when the resolution directing the payment of the same was passed by said board, and signed by said president and clerk, and not otherwise.

Treasurer to pay moneys in sewer fund and water fund to the president of water commissioners.

How paid out.

§ 10. The surplus of all moneys received from the water commissioners on account of water rates or otherwise, after deducting the amount appropriated to the water fund, shall be set apart as a sinking fund for the payment of the loan or loans known as the water stock of the city of Poughkeepsie, or other loans of said city. The mayor, treasurer and chairman of the finance committee of the common council are hereby designated as commissioners of the sinking fund, and it shall be their duty annually to use such surplus in the following manner. They shall advertise for and purchase at the lowest offer, if the same can be obtained on terms satisfactory to them, bonds issued as part of said water stock, and shall cancel the same. If such bonds cannot be obtained as aforesaid, then they shall advertise for and purchase at the lowest offer any bonds issued by said city of Poughkeepsie, and shall cancel the same.

Sinking fund.

Commissioners of sinking fund.

Purchase and cancellation of bonds.

§ 11. The connecting or supply pipes leading from the dwellings or other places to the distribution pipes, and the pipes leading to the sewers shall be inserted and kept in repair at the expense of the owner or occupant of the buildings, and shall not be inserted or connected with the main pipe and sewer until a permit therefor shall be obtained,

Supply pipes.

and all such connecting or supply pipes and fixtures shall be constructed under and according to the direction of the superintendent or authorized agent.

Willful
injury to
property,
&c., a misde-
meanor.

§ 12. If any person or persons shall willfully do or cause to be done an act whereby any work, materials, or property whatsoever, erected or used within the city of Poughkeepsie or elsewhere by the said water commissioners or by any person acting under their authority, for the purpose of procuring and keeping a supply of water, or for sewerage, shall in any manner be injured, such person or persons, on conviction thereof, shall be deemed guilty of a misdemeanor and punished accordingly.

Polluting
aque-
duct or
reservoir,
a misde-
meanor.

§ 13. It shall not be lawful for any person to throw or deposit, or cause to be thrown or deposited into any aqueduct, reservoir or reservoirs constructed by the said commissioners, any dead animals or other offensive matter, or anything whatever; and any person offending against the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine or imprisonment, or both, in the discretion of the court; such fine not to exceed one hundred dollars, and such imprisonment not to exceed the period of three months.

Punish-
ment.

Commis-
sioners
not to re-
ceive
compen-
sation or
be inter-
ested in
contracts,
&c.

§ 14. The said water commissioners shall receive no compensation for any services rendered by them under the provisions of this act, and it shall not be lawful for the commissioners, or either of them, or the said superintendent or agents to be concerned or interested, directly or indirectly, in the sale of any materials, or in any contract or contracts for constructing and maintaining said works, nor shall such commissioners, superintendents or agents, or either of them, take or receive any benefits, reward or emoluments, for or on account of any materials furnished or any work done on the water-works, pipes or sewers. Every violation of the provisions of this section shall be deemed a misdemeanor, punishable by fine or imprisonment, or both.

Misde-
meanor.

TITLE XIII.

MISCELLANEOUS PROVISIONS.

Property
rights of
the city or
its liabil-
ities not
affected.

SECTION 1. Nothing in this act contained shall be construed to affect the property, real or personal, or impair any right of property now vested in the city of Poughkeepsie, nor to affect its liabilities. And all such rights and liabilities may be enforced by or against the said city of Poughkeepsie, with the same effect and to the same extent as if this act had not been passed.

Chairman
of any
commit-
tee of
common
council
may ad-
minister
oaths.

§ 2. The chairman of any committee or special committee of the common council shall have power to administer any oath, or take any affidavit in respect to any matter pending before the common council or such committee. Any person who may be required to take any oath or affirmation, or to make any affidavit or statement under oath or affirmation, under or by virtue of any provision of this act, who shall, under such oath or affirmation, in any such statement, or affidavit or otherwise, willfully swear falsely as to any material matter or fact, shall be guilty of perjury.

Arrest on
election
day.

§ 3. No person entitled to vote at any election held under this act shall be arrested on a civil process within said city on the day on which such election is held.

Exem-
ption from
taxation.

§ 4. All property exempt from taxation by chapter thirteen, part first, title first, of the Revised Statutes, and all property belonging to the city, shall be exempt from taxation for any purpose.

§ 5. Every person elected or appointed to any office under this act, who shall be sued for any act done or omitted to be done in virtue of his office, and who shall have final judgment rendered in his favor whereby he shall be entitled to costs, shall recover double costs, as defined in the Revised Statutes. Double costs.

§ 6. Whenever any person or corporation shall refuse or neglect to pay any tax or assessment, duly assessed according to any of the provisions of this act, the same may be collected by action in the name of the city against any such person or corporation ; but such action shall not operate to release any lien upon property, or such tax, until the judgment rendered in such suit shall have been duly satisfied. Tax or assessment may be collected by action.

§ 7. Whenever any real estate in said city shall be owned by two or more persons jointly, or as tenants in common, a notice served on one of such persons shall be sufficient notice to all, for any purpose requiring a notice under this act. Tenants in common, notice to.

§ 8. The expenses of apprehending, examining, trying and committing offenders against any law of the State in said city, and of their confinements, properly chargeable against the county of Dutchess, shall be audited, allowed and paid by the supervisors of said county in the same manner as if such expenses had been incurred in any town of said county of Dutchess. Expenses of administering criminal justice.

§ 9. From and after the passage of this act, all acts and parts of acts inconsistent with or repugnant to this act are hereby repealed, but nothing herein contained shall be construed so as to destroy, impair or take away any right or remedy acquired or given by any act hereby repealed, and all proceedings commenced under any such former act, including all proceedings for assessing damages and benefits shall and may be carried out and completed, and all prosecutions for any offense committed, or penalty or forfeiture incurred, shall be carried on with the same effect as though this act had not been passed. Repeal.

§ 10. In all cases in which a bond is required from any officer by the provisions of this act, the sureties therein shall jointly justify to an amount twice the penalty of such bond. Justification of sureties.

§ 11. Each of the funds created by virtue of the provisions of this act shall be kept inviolate and devoted only to the purposes for which created, and no moneys shall be drawn from any fund to supply a deficiency in any other fund. And the president of each board or department shall, as soon as the same is received by him, deposit in bank, at the best rate of interest he can obtain therefor, all moneys which come into his hands, and such interest shall belong to his department and be applied to its use. Funds to be kept inviolate.

§ 12. All sessions of the several boards shall be open to the public, except when the public interests require secrecy. Sessions of boards to be public.

§ 13. This act is hereby declared a public act, and shall be construed favorably and benignly for every beneficial purpose therein contained. Construction.

§ 14. The Legislature may at any time repeal or modify this act.

§ 15. This act shall take effect immediately.

Chap. 498.

AN ACT to legalize the acts of Coe Mullock, a justice of the peace of the county of Tioga.

Passed May 20, 1874.*

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Official
acts as
justice of
the peace
legalized.

SECTION 1. All the proceedings and official acts of Coe Mullock, of the town of Barton, of the county of Tioga, as justice of the peace since the thirtieth day of October, eighteen hundred and seventy-three, are hereby legalized and confirmed, and shall be of the same force and validity as if the said Coe Mullock had been duly elected and had qualified as such justice of the peace.

Provido.

§ 2. Nothing in this act contained shall affect any action or proceeding now pending.

§ 3. This act shall take effect immediately.

Chap. 499.

AN ACT to incorporate the Farmers' and Mechanics' Savings Bank of Palmyra.

Passed May 20, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporat-
ors.

SECTION 1. Arovestus P. Crandall, Henry M. Clark, Allen T. Goldsmith, Henry R. Durfee, Lucien T. Yeomans, William H. Farnham, Alfred W. Sansbury, Hendee Parshall, Lyman Bickford, Amasa Hall, Henry P. Knowles and Thomas L. Root and their successors, shall be and they are hereby constituted a body corporate and politic, by the name of the Farmers' and Mechanics' Savings Bank, to be located at the village of Palmyra, Wayne county, and by that name shall have perpetual succession, and may sue and be sued in any of the courts of this State.

Corporate
name and
location.

First trust-
tees.

§ 2. The persons named in the first section of this act shall be the first trustees of the said corporation, and all vacancies in the office of trustee shall be filled by the board, by ballot, without unnecessary delay, and the vote of a majority of the remaining members of the board shall be necessary to elect a trustee.

Trustees
to elect a
president,
&c.

§ 3. The business of the said corporation shall be managed and directed by said board of trustees, who shall elect from their number a president and two vice-presidents, and may elect from their number, or otherwise, such other officers as they may deem expedient; and the vote of a majority of a full board of trustees shall be requisite for the appointment of any officer receiving a salary therefrom, or to fix or to increase the salary of any officer.

Trustees
to receive
no pay.

§ 4. No person, being a trustee, shall, directly or indirectly, receive any pay or emolument for his services, and no trustee, officer or servant of said corporation shall, directly or indirectly, for himself,

* Certified by the presiding officer of the Senate as having passed the Senate, "three-fifths being present."

or as the agent or partner of others, borrow any of the funds of the said corporation, or its deposits, or in any manner use the same, or any part thereof, except to make necessary current payments, or to make investments, or to deposit for safety, under the direction and by authority of the board of trustees; nor shall any trustee, officer or servant of said corporation be an indorser or surety, or in any manner be an obligor, for moneys loaned by or borrowed of the said corporation.

§ 5. A quorum of said board of trustees shall consist of not less than five, of whom the president or one of the vice-presidents shall be one; and it shall be lawful for the trustees, in their by-laws, to provide for a larger quorum, but less than a quorum shall have power to adjourn from time to time, or until the next regular meeting.

§ 6. A regular meeting of the board of trustees shall be held once in each month, to receive the reports of their officers, and transact such other business as may be necessary; and the trustees may, in their by-laws, provide for calling special meetings; and any trustee omitting to attend the regular meetings of the board for six months, unless previously excused by a vote of the board, shall thereby vacate his office as trustee, but may, in the discretion of the board, be eligible to a re-election.

§ 7. The board of trustees of said corporation shall have power, from time to time, to make such by-laws, rules and regulations as they may think proper for the election of officers, for prescribing their respective powers and duties, and the manner of discharging the same, for the appointment and duties of committees, and generally for transacting, managing and directing the affairs of the corporation; provided, such by-laws, rules and regulations are not repugnant to nor inconsistent with the provisions of this act, the Constitution and laws of this State or of the United States.

§ 8. The general business and object of the corporation hereby created shall be to receive on deposit any sum or sums of money that may be offered for that purpose, by any person or persons, or by any religious or charitable corporations or societies, and to invest the same, and declare, credit and pay dividends or interest thereon, as hereinafter authorized, and not otherwise; and all certificates or other evidences of deposit, made by the proper officer of said corporation, shall be as effectual to bind the corporation as if executed under the common seal thereof.

§ 9. It shall be lawful for the trustees of the corporation to invest the moneys deposited with them, and the gains or profits thereof, only as follows, to wit:

1. In the stocks or bonds, or interest-bearing notes or certificates of the United States.
2. In the stock or bonds, or evidences of debt bearing interest, of this State.
3. In the stock or bonds of any city or county, issued pursuant to the authority of law.
4. In bonds secured by mortgages on improved, unincumbered and productive real estate, situate in this State, worth at least twice the amount loaned thereon; but not to exceed forty per cent. of the assets of the corporation shall consist of such bonds and mortgages.
5. It shall be lawful for the corporation to purchase, hold and convey real estate only as follows: 1. A lot and banking house requisite for the transaction of its business, and for an income from such portions of the same as are not required for its own use. 2. Such as shall have been

Trustee, officers, &c., not to borrow funds, or be indorsers, &c.

Quorum.

Monthly meetings.

Special meetings.

By-laws.

Proviso.

Business and objects.

Certificates, how binding.

Investments.

In U. S. stocks.

Stocks of this state.

City or county bonds. Bonds and mortgages.

Power to take, hold and convey real estate.

purchased at sales upon judgments or decrees obtained or rendered for money loaned; and all such real estate as is described in the last two preceding clauses shall be sold by the trustees within five years after the same shall be vested in the corporation, unless, upon application by the trustees, the Superintendent of the Banking Department shall extend the time within which such sale shall be made.

Personal
security
on loans.

§ 10. In all cases of loans upon real estate, a sufficient bond, or other personal security, shall be required of the borrower, and all the expenses of searches, examinations and certificates of title or appraisals of value, and of drawing, perfecting and recording papers, shall be paid by such borrower.

Buildings
included
in valua-
tion to be
insured.

§ 11. Whenever buildings are included in the valuation of any real estate, upon which a loan shall be made by said corporation, they shall be insured by the mortgagor for at least two-thirds their value, in such company of this State as the trustees shall direct, and the policy of insurance shall be duly assigned to the corporation; and it shall be lawful for said corporation to renew such policy of insurance, in the same or in any other company of this State, as they may elect, from year to year, or for a longer or shorter term, in case the mortgagor shall neglect to do so, and may charge the same to him. And all the necessary charges and expenses paid by said corporation, for such renewal or renewals, shall be paid by such mortgagor to the said corporation, and shall be a lien upon the property so mortgaged until paid.

Renewal
of policy.

Expense
thereof.

Corpora-
tion not
to deal in
real
estate,
&c.

§ 12. It shall be unlawful for the said corporation, directly or indirectly, to deal or trade in real estate in any other case, or for any other purpose, than as authorized in the ninth section of this act, or to deal or trade in any goods, wares, merchandise or commodities whatever, except as authorized by the provisions of this act, and except such personal property as may be necessary in the transaction of its business.

Loan of
deposits.

§ 13. It shall be lawful for the trustees of the corporation, while awaiting opportunity for the judicious investment of the moneys deposited with them, as authorized and required by this act, to loan the same, or any part thereof, upon the securities mentioned in section nine of this act, but not exceeding ninety per cent. of the cash market value of such securities shall be loaned thereon; and should any securities depreciate in value after making a loan thereon, it shall be the duty of the trustees to require the immediate payment of such loan, or a part thereof, or additional security therefor, so that the amount loaned shall at no time exceed ninety per cent. of the market value of the securities pledged therefor.

When
payment
or addi-
tional se-
curity
may be
required.

Invest-
ment of
deposits,
when and
how
made.

§ 14. It shall be the duty of the trustees of said corporation, as soon as practicable, to invest the moneys deposited with them, and the gains or profits thereof, in the securities named in the ninth section of this act, except an available fund of not exceeding twenty per cent. of the deposits with said corporation, which the trustees may keep to meet current payments, and which may by them be kept on deposit in any bank or banking association, organized under any law or laws of this State or of the United States, or with any trust company, incorporated by any law of this State, upon such terms as may be agreed upon; but the sum so kept on deposit in any one bank or trust company shall not exceed twenty per cent. of the capital of such bank or trust company, and shall not exceed twenty-five thousand dollars, or ten per cent. of the whole amount of deposits with this said corporation; or such available fund, or any part thereof, may be loaned by the trustees on call, or on notice not exceeding ten days, upon the securities and in the manner provided in the last preceding section of this act.

Fund for
current
expenses,
how it
may be
deposi-
ed, &c.

§ 15. The sums deposited with the said corporation shall be repaid to the depositors thereof, or their legal representatives, at such times and with such interest, and under such regulations as the board of trustees shall from time to time prescribe, which regulations shall be put and kept up in some conspicuous place in the room where the business of the corporation shall be transacted, and shall also be printed in the pass-book of each depositor, but shall not be altered so as to affect any deposit previously made.

Repayment to depositors, regulations therefor.

§ 16. Whenever any deposit shall be made by any person being an alien or minor, or a female, being or thereafter becoming a married woman, the same shall be held for the exclusive right and benefit of such depositor, and free from the control or lien of all persons whatsoever, except creditors, and shall be repaid, together with the dividends or interest thereon, to the person making the deposit, and the receipt or acquittance of such alien, minor or female shall be a valid and sufficient release and discharge for such deposit to the corporation.

Deposit by alien, minors, or married women, how to be held and repaid.

§ 17. In all actions in any court of this State, against the said corporation, by a husband to recover for moneys deposited by his wife in her own name, or as her own money, the wife may be examined and testify as a witness in like manner as if she were an unmarried woman. And in all actions against the said corporation to recover for moneys on deposit therewith, if there be any person or persons, whether husband or wife, or otherwise, claiming the same fund, who are not parties to the action, the court in which such action is pending may, on the petition of said corporation, and upon five days' notice to the plaintiff and such claimants, make an order amending the proceedings in said action, by making such claimants parties defendant thereto; and the said courts shall thereupon proceed to hear and determine the rights and interests of the several parties to said action in and to said funds. The said funds or deposits which are the subject of the said action may, in the discretion of the court, remain with said corporation at the same rate of interest as other deposits of the same class, to the credit of the action until final judgment therein, and the same shall be paid by said corporation in accordance with the provisions of said final judgment. The question of costs in the action referred to in this section shall, in all cases, be in the discretion of the court.

Married woman may be a witness when husband is a party.

How claimant not a party may be brought in, &c.

Fund may remain to credit of the action.

Costs.

§ 18. It shall be the duty of the trustees of the said corporation to regulate the rate of interest to be allowed to the depositors in such manner that they shall receive, as nearly as may be, all the profits of the said corporation, after deducting necessary expenses, and reserving such amount as the trustees may deem expedient or desirable as a surplus fund, which, to the amount of ten per cent. of their deposits, the trustees of said corporation are hereby authorized gradually to accumulate and hold, to meet any contingency or loss in its business; provided, however, that it shall be lawful for the trustees to classify their depositors according to the extent or duration or character of their dealings with the said corporation, and to regulate the rate of interest in such manner that each depositor shall receive a ratable proportion of interest with all others of the same class.

Rate of interest, how to be regulated.

Surplus fund.

Classification of depositors.

§ 19. The said corporation shall, every year, make reports to the Superintendent of the Bank Department, as required by law, and in such form as he shall prescribe, and the books of the said corporation shall at all times during business hours be open to the inspection of the Superintendent of the Bank Department, or of such other person as the Superintendent or the Legislature may appoint as his or their agent for that purpose. Whenever any agent shall be appointed to make any

Annual reports to superintendent of the banking department.

Agent to be paid by corporation.

Examination, supreme court may order.

Books, &c.

Report.

Power of court to secure funds, &c.

Misnomer not to vitiate.

General laws applicable.

such examination, he shall be paid for his services by such corporation such sum as the Superintendent of the Bank Department shall certify to be just and reasonable.

§ 20. The Supreme Court may at any time, on the application of any trustee or depositor in said savings institution, and on reasonable cause shown therefor to the satisfaction of said court, appoint one or more persons to examine into the investments of said savings institution, and its affairs and business generally. The books, papers and business of said savings institution shall be open and subject to the examination of such person or persons, and the trustees, officers and clerks thereof, or any other person, may be examined on oath by such person or persons; and the same court may confer such further powers on the person or persons so appointed as they may consider necessary for the more thorough and perfect examination of the affairs and business of said corporation. The said person or persons so appointed shall report the result of their investigations to the said court, which, if satisfied thereby that any officer, trustee or servant of said corporation has been guilty of any fraud or misconduct, may remove such person or persons, and make such further order and take such further measures for securing the funds and property of said corporation as the said court shall deem expedient.

§ 21. The misnomer of said corporation in any instrument shall not vitiate or impair the same if it be sufficiently described to ascertain the intention of the parties.

§ 22. The corporation hereby created shall be subject to the provisions of the eighteenth chapter of the first part of the Revised Statutes, and all other general laws affecting savings institutions, so far as the same are applicable; and this act may be repealed, or altered or amended, at any time hereafter.

§ 23. This act shall take effect immediately.

Chap. 500.

AN ACT to amend chapter three hundred and fifty-eight of the laws of eighteen hundred and forty, entitled "An act concerning payment of interest by railroad companies on loans of the State credit and for other purposes, passed May fourteenth, eighteen hundred and forty.

Passed May 20, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of the act entitled An act concerning payment of interest by railroad companies on loans of the State credit and for other purposes, passed May fourteen, eighteen hundred and forty, is hereby amended so as to read as follows:

Canal board may designate banking association, &c., to receive deposits of tolls.

§ 2. The Canal Board may designate any banking association, individual or private banker or bankers to receive the deposits of tolls or other canal moneys, provided such association, individual or private banker or bankers shall carry on its or their business in a place convenient for such deposits, and shall comply with such terms as may be prescribed by the board. All the provisions of former acts in relation to the deposits of such moneys in banks shall extend and apply to such deposits and bankers or banking associations.

Chap. 501.

AN ACT to amend the charter of The University Life Insurance Company.

Passed May 20, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The capital stock of The University Life Insurance Com- Increase of capital stock.
pany may, by a vote of a majority of all the directors of said company, be increased from time to time, by actual cash subscriptions, to an amount not exceeding one million dollars, and the stockholders, at the time of any increase in compliance with this act, shall have the privilege Privilege of stock-holders.
of subscribing for such increased capital stock in proportion to the number of shares held by them respectively.

§ 2. The number of directors of said corporation may, by a vote of a majority of all the directors thereof, be increased from time to time to a number not exceeding thirty-five. Increase of directors.

§ 3. This act shall take effect immediately.

Chap. 502.

AN ACT to amend chapter six hundred and ninety-six, laws of eighteen hundred and sixty-six, entitled "An act to amend section eighteen, article two, title two, chapter twelve, part one of the Revised Statutes, entitled 'Of the county treasurer,' and to require an additional bond from county treasurers to the State."

Passed May 20, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Chapter six hundred and ninety-six, laws of eighteen hundred and sixty-six, amending section eighteen, article second, chapter twelfth, part first of the Revised Statutes, entitled "Of the county treasurer," is hereby amended so as to read as follows:

§ 18. Every person appointed or elected to the office of county treasurer, before he enters upon the duties of his office, shall give a bond to the supervisors of the county, with three or more sufficient sureties, to be approved by the board of supervisors, and in such sum as they shall direct, conditioned that such person shall faithfully execute the duties of his office, and shall pay over, according to law, all moneys which shall have come, or which shall thereafter come, to his hands, as treasurer, and render a just and true account thereof to the board of supervisors when thereunto required. Whenever, in the opinion of said board, or a majority of them, the moneys intrusted to such person as treasurer shall be deemed unsafe, or the surety insufficient, such board may require from said treasurer a new and further bond, with like conditions as aforesaid, and in such penalty and with such surety as such board shall deem requisite and proper; and in case said county treasurer shall fail to renew said bond, as required, within twenty days after he shall be notified by said board of such requirement, such omis- Treasurer's bond.

New bond may be required.

Forfeiture of office.

Bond to
the State.

To be
filed with
comptrol-
ler.

Comp-
troller
may re-
quire fur-
ther
bond.

Notice.

Office va-
cated.

sion shall work a forfeiture of his office, and the same shall become vacant. Every person appointed or elected to the office of county treasurer, within twenty days from the time he shall receive notice of his election or appointment, and before he enters upon the duties of office, shall, in addition to the bond hereinbefore mentioned, to be given to the supervisors of the county, give a bond to the People of the State of New York, with two or more sureties, to be approved by the Comptroller in such penalty as the Comptroller shall direct, conditioned that such person shall faithfully execute the duties of his office, and shall pay over to the State treasury, according to law, all moneys belonging to the State which shall have come, or which shall thereafter come, into his hands as county treasurer, and render a just and true account thereof to the Comptroller of the State, which bond shall be filed with the Comptroller. At any time when, in the opinion of the Comptroller, the moneys intrusted to such person as treasurer shall be deemed unsafe, or the surety insufficient, the Comptroller may require a new and further bond, with like conditions as the first, and in such penalty and with such sureties as the Comptroller may deem requisite and proper. Should default be made in the giving and filing of the bond to the people of this State, as herein provided for, within the time limited herein, or should the said county treasurer neglect to renew his bond, as last hereinbefore provided for, the Comptroller shall cause a written notice to be served on the person so in default, requiring him to furnish such bond or such renewal, as the case may be, within ten days from the day of service of such notice, whereupon, if such treasurer shall still be in default, he shall be deemed to have vacated his office, and the Governor shall appoint a proper person to fill such vacancy.

§ 2. This act shall take effect immediately.

Chap. 503.

AN ACT changing the name of the "Beach Pneumatic Transit Company," to "The Broadway Underground Railway Company," and extending its powers.

Passed May 20, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Name
changed.

SECTION 1. The name of the "Beach Pneumatic Transit Company" is hereby changed to "The Broadway Underground Railway Company," and all the rights, powers, duties and obligations heretofore conferred upon, possessed, or assumed by said "Beach Pneumatic Transit Company," shall be possessed, enjoyed and kept by the said "The Broadway Underground Railway Company," and all suits or proceedings pending in which said "Beach Pneumatic Transit Company" is a party, shall be continued in the name of "The Broadway Underground Railway Company," and any stockholder in said company may be eligible as a director thereof.

Larger
tunnels
and rail-
ways au-
thorized.

§ 2. The said company, in pursuance of the provisions of chapter one hundred and eighty-five of the laws of eighteen hundred and seventy-three, may construct their tunnels and railways one foot larger than provided for in said act.

§ 3. The said company is hereby required to construct, as the first section of its railway, that portion of its line from the Battery or Bowling Green to a connection with the New York and Harlem railway at or above Forty-second street. And whenever said "The Broadway Underground Railway Company" shall prove to the satisfaction of the board of engineer commissioners provided for in chapter one hundred and eighty-five of the laws of eighteen hundred and seventy-three, ^{When company may proceed with construction.} ^{First section.} ^{Bond to the mayor, &c.} that the whole capital stock of said company has been subscribed, or other financial arrangements made for completing said first section, within three years after the passage of this act, said board of engineer commissioners shall execute a certificate in duplicate to that effect, which shall be filed, as directed in said chapter one hundred and eighty-five of the laws of eighteen hundred and seventy-three, and the said company may then proceed with the work of construction; but in case of delay by legal proceedings, which shall compel the stoppage of the work, the time so lost shall be added to the time allowed herein for completing said first section. Within six months after the passage of this act the said company shall execute and deliver to the comptroller of the city of New York their corporate bond to the mayor, aldermen and commonalty of the city of New York, with sufficient sureties, to be approved by the comptroller of said city, conditioned for the payment of one hundred thousand dollars to said mayor, aldermen and commonalty, in case the said first section of said road shall not be completed and ready for use within three years from the passage of this act.

§ 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed. ^{Repeal.}

§ 5. This act shall take effect immediately.

Chap. 504.

AN ACT in relation to the fees of stenographers in the district courts of the city of New York.

Passed May 20, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. In all cases of appeal from the decision of a justice of one of the district courts in the city of New York, where a transcript of the stenographer's minutes of the testimony given on the trial becomes a necessary part of the justice's return, the stenographer's fees for the making of such transcript shall be computed at the rate of ten cents for every one hundred words, and be paid in the first instance by the appellant and afterward be taxable by him as a disbursement in the appeal. ^{Stenographer's fees.}

Chap. 505.

AN ACT to provide for the construction and maintenance of four additional public baths in the city of New York.

Passed May 20, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Construc-
tion of ad-
ditional
baths.

Work to
be award-
ed to low-
est bid-
der.

Appro-
priation.

Revenue
bonds.

Tax.

Berths.

SECTION 1. The mayor, aldermen and commonalty of the city of New York, by the department of public works of said city, is hereby authorized and directed to construct and maintain four free public floating baths, in addition to the two now in use in said city, and said additional baths shall be constructed on such plans as the said department shall deem proper ; but the work therefor shall be awarded to the lowest bidder with adequate security as provided by the charter ; and said baths shall be and remain under the exclusive control and management of the said department of public works.

§ 2. The board of estimate and apportionment of the city of New York are hereby authorized and directed to appropriate such sum of money, for the construction and maintenance of the four additional public floating baths, as may be necessary, not exceeding, however, eighty thousand dollars.

§ 3. It shall be the duty of the comptroller of the city of New York, and he is hereby authorized and directed to raise such sums of money, as is hereby authorized to be appropriated by the first and second sections of this act, by the issue of revenue bonds in anticipation of the taxes of the year eighteen hundred and seventy-five, and said moneys so to be raised shall be paid for the construction and maintenance of said baths by the comptroller, on the requisition of the department of public works. The amount of money necessary to pay said bonds so issued shall be included in the taxes for the year 1875, and the said bonds shall be paid from the taxes of that year.

§ 4. The department of docks of the city of New York shall, upon the requisition of the department of public works of said city, furnish free of charge, in the vicinity of such location as shall be designated by the department of public works, accessible, convenient and safe berths for mooring the free floating baths herein provided to be constructed and maintained.

§ 5. This act shall take effect immediately.

Chap. 506.

AN ACT conferring certain powers on "The Children's Fold," of the city of New York.

Passed May 20, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Adopting
into fami-
lies.

SECTION 1. The trustees of "The Children's Fold," an orphan asylum, located in the city of New York, are hereby authorized and empowered to adopt into families, any orphan, half-orphan or destitute child who

may have been in their care and charge for the space of one year, in case said children be under ten years of age, or six months, in case of children over ten years old.

§ 2. The board of supervisors of the city and county of New York shall levy and collect by tax in the year one thousand eight hundred and seventy-four, and every year thereafter, at the same time and in the same manner as the contingent charges and expenses of the city and county are levied and collected, and shall pay over to "The Children's Fold," of the city of New York, the sum of two dollars per week for each and every orphan, half-orphan and destitute child received and supported by said institution, the expense of whose support is not paid by private parties.

Board of supervisors to levy annual tax.

§ 3. This act shall take effect immediately.

Chap. 507.

AN ACT for the relief of Isaac Orr, of the city of Brooklyn.

Passed May 20, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The comptroller of the city of New York shall, on the application of Isaac Orr, of the city of Brooklyn, appoint a suitable person to act as a referee, who shall, without delay, proceed to take the testimony, to hear and determine the amount of money earned by said Isaac Orr, for work done and performed in the years eighteen hundred and sixty-nine and eighteen hundred and seventy, in dredging in the slips of the city of New York, under the directions of the late street commissioners of that city, and the amount equitably due and found to be unpaid for the work so done shall be paid to the said Isaac Orr, by the said comptroller, out of any of the funds of the said city not otherwise appropriated.

Referee to be appointed.

Payment.

§ 2. This act shall take effect immediately.

Chap. 508.

AN ACT to authorize the construction of a railway from Vesey street, through certain streets in the city of New York, to the South ferry.

Passed May 20, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. James Rogers, John Flannagan, Theodore P. Rutan, Michael Flannery, Horace J. Haviland, William Herrick, Martin V. Forman, their associates and assigns, are hereby authorized and empowered to construct, operate, maintain and use railways, with single or double tracks, in the city of New York, and to convey passengers thereon for compensation through, upon and along the following routes of said city, to wit: Commencing at the northerly side of Vesey street; thence

Construction of railroad authorized.

Route.

through and upon and along Church street, with double track, to Morris street; thence through, upon and along Morris street, with a double track, to Greenwich street; thence through, upon and along Greenwich street, with a double track, to Battery place; thence through, upon and along Battery place, with a double track, to State street; thence through, upon and along State street, with a single track, to Whitehall street; thence through, upon and along Whitehall street, with a single track, to the South ferry; returning through, upon and along Whitehall street, to Bowling Green; thence through, upon and along the southerly side of Bowling Green, to connect with double tracks at Battery place, together with the necessary connections, crossings, switches, turn-outs and convenient stands for the proper workings and accommodation of said railway on the said route.

Plan of construction, &c.
Fare.

Transfer ticket.

Rules and regulations.

Annual payment into city treasury.

Use of other railroad tracks.

Compensation therefor, how ascertained.

Title, how acquired.

Exception as to contents of petition.

Right of entry during pendency.

§ 2. The said railway shall be constructed on the most approved plan for the construction of city railways, and the cars shall be run as often as the convenience of the public may require; and the said persons and their assigns are hereby authorized to charge and collect three cents for each passenger conveyed upon said railway. Wherever the track or tracks of said railway shall cross or intersect the track or tracks of any railway, by mutual agreement between the owners of said respective railways, transfer tickets may be issued to passengers at an additional rate of fare, not exceeding three cents, said transfer tickets to be received in full for fare to any point on the line of said connecting railways, or either of them, and said railway shall be subject to such reasonable rules and regulations as the common council of the city of New York from time to time may prescribe. The said persons or their assigns shall annually, on the first day of November, pay into the treasury of the city of New York one per cent. of the gross receipts of the road herein provided for, the amount of which gross receipts shall be determined by the sworn statement of the president and treasurer of said railway, but subject to the inspection of its books by the comptroller of the city of New York.

§ 3. If it shall become necessary, in the construction, operation and use of said railway upon the route or routes herein designated, for the said persons or their assigns, to run upon, intersect or use any portion of other railroad tracks now laid upon any of the said streets, the persons hereby authorized to construct and operate said railway are hereby authorized and empowered to run upon, intersect and use the same upon such terms as may be agreed upon between them and the owners of such other railroad. In case no terms of compensation for such operating and use can be agreed upon between the parties, then the amount of such compensation shall be ascertained and determined in the manner provided by subdivision six of the twenty-eighth section of the act entitled "An act to authorize the formation of railroad corporations, and to regulate the same," passed April second, eighteen hundred and fifty. The persons hereinbefore mentioned, their successors and assigns, shall have power to acquire title to the right to use such real estate as may be required for the purposes of said railway, in the manner provided in the fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth and twenty-first sections of said act of April second, eighteen hundred and fifty, except that in any of the proceedings for this purpose it shall not be necessary that the petition to the Supreme Court shall make any allegation of, or reference to any incorporation, capital stock, surveys or maps, or of the filing of any certificate of location, and during the pendency of such proceedings the said persons or their assigns shall be permitted to enter upon, connect with and use

portions of other tracks already laid in any of the streets named herein, as may be necessary to perfect and carry into effect the provisions of this act, upon their giving good and sufficient security, to be approved by one of the justices of the Supreme Court for the payment of the amount of the award, which may be made by arbitration or by order of the Supreme Court, and all actions and proceedings in law relating to, affecting or arising under this act, or the authority hereby given, shall be commenced in the Supreme Court of the first judicial district, and shall have preference over all cases on the calendar of said court not now preferred by statute, but in all cases the use of said streets for the purposes of said railway, as herein authorized, shall be considered one of the uses for which the mayor, aldermen and commonalty of said city of New York hold said streets.

§ 4. The first three persons or grantees named in the first section of this act shall, as soon as practicable after its passage, by a notice in writing signed by them, convene a meeting of the persons or grantees named in said first section, or their assigns, at a time and place, in the city of New York to be designated in said notice. A copy of said notice shall be served upon each of the said grantees, or their assigns, either in person or by depositing the same in the post-office, addressed to him at the post-office nearest his last known place of residence or business, at least twenty days before the day therein specified for such meeting. Two-thirds of the persons named, or their assigns, at said meeting shall be competent to organize, and shall possess the corporate powers necessary to carry out the purposes of this act.

§ 5. The Legislature may at any time alter, amend or repeal this act.

§ 6. This act shall take effect immediately.

Chap. 509.

AN ACT to authorize the board of supervisors of the county of Kings to borrow money for the purpose of paying certain bonds and certificates of indebtedness which mature in the year one thousand eight hundred and seventy-five, and to defray the county expenses between the first day of August in each year and the confirmation of the tax levy.

Passed May 20, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The treasurer of the county of Kings is hereby authorized, under the direction of the board of supervisors of Kings county, to borrow on the credit of said county a sum not exceeding six hundred and thirty-two thousand dollars, and to issue bonds therefor in such form as the said board may prescribe for the payment of the same, with interest at the rate of seven per cent. per annum; the money so borrowed to be expended in the payment of the bonds and certificates of indebtedness particularly set forth in the communication of the county treasurer to the board of supervisors of Kings county, under date of January twenty-one, eighteen hundred and seventy-four; such bonds to be issued in the name of and under the seal of the county of Kings, to be signed by the supervisor at large of the county and the county

dency of
proceed-
ings.
Security.

Meeting of
grantees,
notice
thereof.

Service of
notice.

County
treasurer
may bor-
row
money
and issue
bonds.

Interest.
How ex-
pended.

Bonds,
how is-
sued.

Record
of.

treasurer, attested by the county clerk, and countersigned by the clerk of the board of supervisors. The said clerk of the board of supervisors shall keep a record showing the date, amount and rate of interest of said bonds respectively, with the time they may become due.

Annual
tax for
payment
of bonds.

§ 2. The said board of supervisors shall cause to be levied by tax upon the taxable property of said county, and collected and paid annually, such sum as may be necessary to pay interest on the money so borrowed, and to pay the principal in annual installments as the same becomes due; the number and times of payment of such installments shall be determined by the said board of supervisors when they shall give the first directions to the county to borrow money under this act, and the treasurer shall immediately apply the money so collected and paid to him toward the payment of the interest and principal of the money so borrowed.

Number,
times of
payment,
&c.

Treasurer
may bor-
row mon-
ey and is-
sue cer-
tificates
of indebt-
edness.

§ 3. The treasurer of the county of Kings is hereby authorized, under the direction of the board of supervisors of Kings county, to borrow on the credit of said county in each year, between the first day of August and the confirmation of the tax levy, such sums of money as the board of supervisors of said county may determine necessary to meet the expenses of the county government during such interval, and to issue certificates of indebtedness therefor for the payment of the same, with interest, such certificates to be signed by the supervisor at large and the county treasurer; the money so borrowed to be expended in defraying the expenses of the county between the first day of August in each year and the confirmation of the taxes of that year.

§ 4. This act shall take effect immediately.

Chap. 510.

AN ACT to confirm the official acts of the highway commissioners of the town of Fine, St. Lawrence county.

Passed May 20, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Official
acts le-
galized.

SECTION 1. The official acts of the commissioners of highways of the town of Fine, in the county of St. Lawrence, in laying out certain roads in said town, subsequent to April twenty-eight, eighteen hundred and seventy-three, in accordance with the law existing previous to said date are hereby made as legal and valid as if the provisions of an act entitled "An act to amend the Revised Statutes in relation to laying out public roads and the alteration thereof," passed April twenty-eighth, eighteen hundred and seventy-three had been complied with. But nothing herein contained shall affect any action or proceeding now pending.

Proviso.

§ 2. This act shall take effect immediately.

Chap. 511.

AN ACT to amend chapter seven hundred and twenty-one of the laws of eighteen hundred and seventy-one, entitled "An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish."

Passed May 20, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The tenth section of chapter seven hundred and twenty-one of the laws of eighteen hundred and seventy-one, entitled "An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish," is hereby amended so as to read as follows:

§ 10. No person shall kill or expose for sale, or have in his possession after the same has been killed, any robin, brown thrasher, meadow lark or starling, save only during the months of August, September, October, November and December, under a penalty of five dollars for each bird; and in the counties of Kings, Queens, Putnam and Suffolk no person shall kill or expose for sale, or have in his possession after the same has been killed, any of said birds, except meadow larks, in this section named, except during the months of October, November and December, under a penalty of five dollars for each bird.

Killing of birds prohibited.

Penalty.

§ 2. The nineteenth section of said act is hereby amended to read as follows:

§ 19. No person shall at any time catch any speckled trout with any device save with a hooked line, except for the purpose of propagation hereinafter provided, or place any set lines in waters inhabited by them, under a penalty of fifty dollars for each offense; and no person shall at any time, except for the purpose of propagation as aforesaid, catch any kind of fish in Lake Saratoga, in the county of Saratoga, or in Onondaga or Oneida lakes, tributaries or outlets, except minnows, with any device, save with hook and line. And no person shall at any time use more than three lines with hooks attached; and any hook and line unattended by the fisherman in person, and all set lines, nets, traps and devices other than fair angling as aforesaid, are hereby prohibited on said lakes and their tributaries and outlets, or within one mile of the lakes, and when found in use or operation, are hereby declared forfeit and contraband, and any person finding such set lines, nets or traps in said waters is hereby authorized to destroy the same, and any person fishing with such prohibited means or devices, shall be liable to a penalty of not less than ten nor exceeding one hundred dollars. And no person shall take or catch any black or Oswego bass, in the waters of Lake George, except from the twentieth day of July to the first day of January, under a penalty of ten dollars for each fish so taken.

Catching fish except with hook and line prohibited.

Set lines, nets, &c.

Bass in Lake George.

§ 3. Section twenty-five of said act is hereby amended so as to read as follows:

§ 25. No person shall kill or catch any fish in the Mohawk or Clyde rivers, Irondequoit bay, Braddocks bay, Little pond, Round pond, Cranberry pond, Buck pond and Long pond in the county of Monroe, or in the inlets thereof, or the lakes in the counties of Westchester, Rockland, Wyoming, Columbia, Ulster, Genesee, Orange, Putnam, Her-

Catching fish by trap, dam, &c., prohibited.

Penalty. kimer, Rensselaer, Sullivan, Tioga, Cortland, Broome and Livingston, by any trap, dam, weir, net, seine, or by any device whatever, other than that of angling with hook and line or with a spear, under a penalty of twenty-five dollars for each offense. All fishing in the aforesaid Brad-docks bay, Little pond, Round pond, Cranberry pond, Buck pond and Long pond in the county of Monroe, in the months of January, February and March, or either, is hereby forbidden and prohibited.

When fish may not be taken from Rockland Lake. § 4. It shall not be lawful between the first day of December and the fifteenth day of April in any year, to take with hook and line, trap, net or any device whatsoever, and fish from Rockland lake in the county of Rockland. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a penalty of not less than five dollars, nor more than fifteen dollars, or be confined in the county jail not less than five days nor more than fifteen days in the discretion of the court.

Penalty.

§ 5. This act shall take effect immediately.

Chap. 512.

AN ACT in relation to the Ausable River Plank-road Company, and authorizing said company to lay rails upon its road.

Passed May 21, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Company may lay rails upon its road, &c.

SECTION 1. The Ausable River Plank-road Company is hereby authorized and empowered, upon the consent of a majority in amount of the stockholders of said company, to lay upon the road now occupied by it, and upon any extension or branch thereof, or upon any part or portion of the same, iron or wooden rails, either broad or narrow gauge, and to run and operate the same as a railroad for carrying passengers and freight. And said company may also maintain its road as a plank-road, and collect and receive lawful tolls thereon.

May condemn lands.

§ 2. If said company, for the purpose of avoiding steep grades, or for the purpose of making a connection with the New York and Canada Railroad at Ausable station, or for any other proper reason, should determine to construct part or parts of said railroad off of the line of said plank-road, said company may so construct any such part or parts, and for that purpose may condemn any lands upon such route necessary for any such change, and all the provisions of the general railroad law of this State applicable to such proceedings shall apply to said company; but said company shall not be required, on any such application to condemn any such lands, to make proof of the subscription to the capital stock of the said company, or the filing of any map, or the location of said road, except upon the lands which are proposed to be taken.

Weight of rail.

§ 3. In the construction of said railroad, said company shall not use an iron rail of less than thirty-five pounds weight to the lineal yard, upon which cars shall be propelled by steam, and shall not charge to exceed five cents a mile for carrying each passenger over said road; and all provisions of law not inconsistent with the provisions of this act, applicable to railroad corporations in this State, shall apply to said company should said company avail itself of the provisions of this act; and said company shall possess all the rights by this act conferred for the term of fifty years.

Fare.

§ 4. This act shall take effect immediately.

Chap. 513.

AN ACT in relation to school commissioners' districts and school commissioners in the county of Cayuga.

Passed May 21, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Hereafter there shall be only two school commissioners elected in and for the county of Cayuga. The towns of Brutus, Cato, Conquest, Ira, Mentz, Montezuma, Sennett, Sterling, Throop and Victory shall constitute the first district. The towns of Aurelius, Fleming, Genoa, Ledyard, Locke, Moravia, Niles, Owasco, Sempronius, Springport, Scipio, Summer Hill and Venice shall constitute the second district.

§ 2. The first section of this act shall not be construed to reduce the number of school commissioners in the county therein mentioned during the term for which those now in office have been elected, but the present incumbents shall continue in office in their respective districts for the residue of the terms for which they were respectively elected.

Chap. 514.

AN ACT to amend an act entitled "An act to revise and consolidate the general acts relating to public instruction," passed May second, eighteen hundred and sixty-four.

Passed May 21, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The tenth section of title thirteen of chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction," passed May second, eighteen hundred and sixty-four, is hereby amended so as to read as follows:

§ 10. Upon the appearance of the parties, or upon due proof of service of the notice and copy of the account, the county judge shall examine into the matter and hear the proofs and allegations propounded by the parties, and decide by order whether or no the account, or any and what portion thereof, ought justly to be charged upon the district, with costs and disbursements to such officer or officers, in his discretion, which costs and disbursements shall not exceed the sum of thirty dollars, and the decision of the county judge shall be final; but no portion of such account shall be so ordered to be paid which shall appear to such judge to have arisen from the willful neglect or misconduct of the claimant. The account, with the oath of the party claiming the same, shall be prima facie evidence of the correctness thereof. The county judge may adjourn the hearing from time to time, as justice shall seem to require.

Account of trustees or other officers for costs, &c., incurred in litigations, county judge to decide whether it should be charged upon district. Verified accounts prima facie evidence.

§ 2. This act shall take effect immediately.

Chap. 515.

AN ACT to amend an act entitled "An act to reorganize the local government of the city of New York," passed April thirtieth, eighteen hundred and seventy-three.

Passed May 21, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of chapter three hundred and thirty-five of the laws of eighteen hundred and seventy-three, entitled "An act to reorganize the local government of the city of New York," is hereby amended so as to read as follows:

Alder-
men
number
and mode
of elect-
ing.

Aldermen
at large.

Term of
office.

Vacancy,
how fill-
ed.

Common
council,
how con-
stituted.

§ 4. The board of aldermen now in office shall hold office until the first Monday in January, in the year eighteen hundred and seventy-five, the same being the term for which they were elected. There shall be twenty-two aldermen elected at the general State election which shall occur in the year eighteen hundred and seventy-four, three of whom shall be elected in each Senate district, except the eighth Senate district, and shall be residents of the district in which they are elected, but no voter shall vote for more than two of said aldermen. In the territory comprised within the eighth Senate district, and the twenty-third and twenty-fourth wards, there shall be elected four aldermen, and the aldermen to be elected in said district may reside either in said eighth Senate district or in the twenty-third and twenty-fourth wards, but no voter shall vote for more than three of said aldermen. There shall also be elected six aldermen at large to be voted for on a separate ballot, but no voter shall vote for more than four of the said aldermen at large, and the voters of the twenty-third and twenty-fourth wards of said city are hereby authorized and empowered to vote for aldermen at large. The members of the board of aldermen shall hold office for the space of one year, and shall take office on the first Monday in January, next succeeding their election, at noon. Annually thereafter, at the general State election, there shall be elected a full board of aldermen as hereinbefore provided. Any vacancy now existing or which may hereafter occur in either* the board of aldermen by reason of the death or resignation, or of any other cause, of a member of either of said boards, shall be filled by election by the board in which such vacancy exists or shall arise, by a vote of a majority of all the members elected to said board; and the person so elected to fill any such vacancy shall serve until the first day of January, at noon, next succeeding the first general election occurring not less than thirty days after the happening of such vacancy, but not beyond the expiration of the term in which the vacancy shall occur; and at such election a person shall be elected to serve the remainder, if any, of such unexpired term. From and after the termination of the term of office of the board of assistant aldermen as herein provided, the board of aldermen shall alone constitute the common council and shall exercise the entire legislative powers of the said city.

§ 4. This act shall take effect immediately.

* So in original.

Chap. 516.

AN ACT to authorize the construction of a road from the road owned by the State near Chazy lake to Chateaugay lake.

Passed May 21, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The commissioners hereinafter named shall, upon giving the security herein provided, proceed to locate a direct and suitable route for a highway, from the plank-road of the State at Chazy lake to some point upon Chateaugay lake, and cause a map and survey of such road to be made, which map shall designate what lots, pieces or parcels of land lie within three miles on either side of said road, and shall deposit a copy of such map in the office of the Comptroller of this State. Upon making and filing such map, and the approval thereof by such Comptroller, said commissioners shall proceed to construct such road, and shall determine what kind of a highway shall be built, and if they shall deem it best, may let said road to be built by contract.

Commissioners to locate route of road, make map, &c.

Construction of road.

§ 2. There shall be imposed by the Comptroller a specific tax per acre, on each and every acre of land lying situated upon each side of said road, as follows : Within a distance of one mile from said road, fifty cents per each and every acre of said land ; within the distance exceeding one mile and less than two miles, twenty-five cents per each and every acre of land ; within a distance exceeding two miles and less than three miles, fifteen cents for each and every acre of land. Such specific tax shall be assessed, levied and collected in the usual manner prescribed by law for raising State taxes, and shall be paid into the State treasury by the county treasurer of Clinton county, for the special purpose of reimbursing the moneys expended under section one of this act.

Specific tax.

How levied and collected.

§ 3. The State Engineer and Surveyor of the State of New York, John H. Moffit, of Saranac, Clinton county, New York, and Charles Richardson, of Plattsburgh, New York, are hereby appointed commissioners to construct said road, and said commissioners, with the exception of such State Engineer and Surveyor, shall severally give bonds with satisfactory security to the Comptroller, in the sum of three thousand dollars, for the faithful performance of their duties under this act, before entering upon the discharge thereof. The Comptroller shall fill all vacancies in the office of said commissioners, and any commissioner who shall neglect to qualify within ninety days after the passage of this act shall be deemed to have refused to serve. Said commissioners shall be paid, out of the moneys received under this act, two dollars per day for each day's service actually and necessarily performed and their necessary expenses incurred in the discharge of their duties under this act, and they shall report annually to the Comptroller under oath the amount of all their receipts and expenditures.

Commissioners.

Official bond.

Vacancies, how filled.

Compensation.

Annual report.

§ 4. The Comptroller may in his discretion loan and advance to said commissioners such sum or sums, from time to time, as may have been expended by such commissioners, not exceeding, however, in the aggregate, the estimate of taxes hereby in this act authorized and imposed, and such taxes so imposed shall be strictly applied to the refunding of said loan or advance.

Comptroller may advance money.

§ 5. This act shall take effect immediately.

Chap. 517.

AN ACT to authorize the city of Buffalo to issue its bonds for the purpose of perfecting the extended system of water supply to the city and its inhabitants.

Passed May 21, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Water supply, common council may raise money for. May issue bonds.

SECTION 1. It shall be lawful for the common council of the city of Buffalo, to raise an amount not to exceed in the aggregate three hundred thousand dollars, which shall be used exclusively for the purpose of perfecting the extended system of water supply. And for such purposes it shall be lawful for the common council of said city, by a vote of two-thirds of the members thereof, from time to time to authorize the issue of the bonds of the said city to an amount not to exceed three hundred thousand dollars in the aggregate, in addition to the amount now authorized by law to be issued, bearing interest at the rate of seven per centum per annum, the interest to be paid semi-annually in the city of New York, and the principal at the same place; said bonds to be due and payable in not less than twenty years nor more than fifty years from their date. Said bonds to be sold at not less than their par value.

Rate of interest.

When and where payable.

§ 2. This act shall take effect immediately.

Chap. 518.

AN ACT to repeal an act entitled "An act to incorporate The Buffalo and Hamburg Turnpike Company," passed April thirteenth, eighteen hundred and twenty-six, and all acts in addition to and amendatory thereof.

Passed May 21, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Repeal.

SECTION 1. The act entitled "An act to incorporate The Buffalo and Hamburg Turnpike Company," passed April thirteenth, eighteen hundred and twenty-six, and all acts in addition thereto and amendatory thereof are hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 519.

AN ACT authorizing the trustees of the Evangelical Lutheran Church of St. James, of Guilderland, to grant and convey a portion of their real estate for cemetery purposes.

Passed May 21, 1874.*

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The trustees of the Evangelical Lutheran Church of St. James, of the town of Guilderland, in the county of Albany, are hereby authorized and empowered to give, grant and convey to the trustees of the Fairview cemetery of said town of Guilderland, a plot of ground of not more than ten acres, from their church farm, to be designated by the trustees of said church, and to be used as and for a cemetery. But such gift, grant and conveyance shall be at all times subject to the right of the said church to inter their poor parishioners in said plot of ground without charge by such cemetery association therefor; and shall be subject further to the condition that the property so conveyed to the said cemetery association shall forthwith revert to and become the property of said church, whenever the same shall cease to be used and appropriated by such association for cemetery purposes. Convey-
ance au-
thorized.

Condi-
tions.

§ 2. This act shall take effect immediately.

Chap. 520.

AN ACT to incorporate "The Association of the Alumni of Columbia College."

Passed May 21, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Henry Drisler, Frederic De Peyster, J. Howard Van Amringe, Charles R. Swords, Henry James Anderson, William Mitchell, George P. Quackenbos, Charles A. Silliman, William H. Butterworth, Joseph B. Lawrence, Henry R. Beeckman, William Bayard Cutting, James McNamee, James M. Brady, Seth Low and Stuyvesant Fish, at present forming the officers and standing committee of "The Association of the Alumni of Columbia College" together with such other persons as appear to be members of that association on the books of the treasurer of the same, and not to be in arrears more than two years for dues, and also with such other persons as shall hereafter become members of the corporation hereby created in such manner and upon such terms as shall be prescribed in the constitution or by-laws of such corporation, are hereby constituted and created a body corporate and politic in fact and in name, by the name of "The Association of the Alumni of Columbia College" for the purposes mentioned in this act; and by that name they and their successors, and associates shall have perpetual succession, and shall be capable in law of suing and being sued, and of receiving, Corporat
ors.

Corporate
name.

* Certified by the presiding officer of the Assembly as having passed the Assembly, "three-fifths being present."

Limita-
tion of
income.
Objects.

purchasing, holding, conveying, leasing, mortgaging or otherwise disposing of any real and personal estate for the use and benefit of said corporation, which estate shall not exceed the net annual income of twenty thousand dollars.

Lecture-
ships.

Trustees.

Constitu-
tion and
by-laws.

Officers.

Standing
commit-
tees.
Their
powers.

Term of
office.

Constitu-
tion and
by-laws.

General
corporate
rights.

Personal
liability of
members.

May take
by devise
or be-
quest.

Officers of
associa-
tion to
hold till
successors
are elect-
ed.

Property
of associa-
tion.

Interest of
members
in proper-
ty, when
to termi-
nate.

§ 2. The object of this corporation shall be to perpetuate the friendships and relations arising during the course of study in Columbia college, to promote the true interests, influence and efficiency of Columbia college as an institution of sound learning and practical education; and with these objects to establish lectureships, to have meetings of the members of said corporation for social and literary purposes and for the management of its business, to appoint from time to time (if the trustees of Columbia college shall consent thereto, and with such restrictions, if any, as said trustees shall prescribe) such number of trustees of said college, as said college may, by general rules, or from time to time authorize said corporation, hereby constituted, to appoint.

§ 3. The said corporation, at one or more special meetings to be called by its standing committee for that purpose, shall have power to frame its constitution and by-laws, with provisions therein for subsequent amendments of the same, provided the said constitution, by-laws and amendments be not inconsistent with the laws or Constitution of the United States or of this State, and that there be present at such special meetings at least thirty members.

§ 4. The officers of said corporation shall be, until otherwise prescribed by their constitution, a president, vice-president, secretary and treasurer, who, with twelve other members to be elected at a general or special meeting, shall be the standing committee of said corporation.

§ 5. Such standing committee shall have such powers as shall be lawfully conferred on them by the constitution and by-laws of the corporation, and they and the said officers shall hold their offices for such time and in such manner as such constitution and by-laws shall prescribe.

§ 6. Such constitution and by-laws may declare what number of members shall constitute a quorum at meetings of the standing committee and provide for the manner of admitting and suspending and removing members and officers of the corporation.

§ 7. The said corporation shall be subject to and have the rights conferred by the general provisions contained in the third title of the eighteenth chapter of the first part of the Revised Statutes, except that no member of said corporation shall be liable for any debts or liabilities of the same unless on an agreement in writing to be subscribed by such member and expressly binding him.

§ 8. The said corporation hereby constituted may take real and personal estate by will, but subject to the general provisions of the act relating to wills passed April thirteenth, eighteen hundred and sixty, chapter three hundred and sixty.

§ 9. The several officers of said association existing at the time of the passage of this act shall hold their respective offices as officers of this corporation with the powers and duties prescribed by the constitution and by-laws of said association until their successors shall be elected or appointed. Further, all property, rights and interests of said association shall by virtue of this act vest in and become the property of this corporation.

§ 10. All interest of any member of said corporation in its property shall terminate and vest in the corporation upon his ceasing to be a member thereof by death, resignation, expulsion or otherwise.

§ 11. The Legislature may at any time alter, amend or repeal this act.

§ 12. This act shall take effect immediately.

Chap. 521.

AN ACT to incorporate the St. Johns Savings Bank of Fordham, in the city of New York.

Passed May 21, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Frederick Folz, Mark K. Hamilton, Jr., Frederick C. Berte, Edward Molson, William Merkleham, John V. Traphagen, A. H. Dunden, John B. Haskin, J. Kinsella, Moses Devoe, Samuel M. Purdy, Joseph H. Godwin, Edward Cumming, Daniel Valentine, Edwin V. Welch, and Charles Gerding, and their successors, shall be and they are hereby constituted a body corporate and politic by the name of the St. Johns Savings Bank of Fordham, to be located in the twenty-fourth ward of the city of New York, and by that name shall have perpetual succession, and may sue and be sued in any of the courts of this State. Corporators.

Corporate name and location.

§ 2. The persons named in the first section of this act shall be the first trustees of the said corporation, and all vacancies in the office of trustee shall be filled by the board, by ballot, without unnecessary delay, and a vote of a majority of the remaining members of the board shall be necessary to elect a trustee. First trustees.

Vacancies.

§ 3. The business of the said corporation shall be managed and directed by said board of trustees who shall elect from their number a president and two vice-presidents, and may elect from their number or otherwise such other officers as they may deem expedient, and the vote of a majority of a full board of trustees shall be requisite for the appointment of any officer receiving salary therefrom, or to fix or to increase the salary of any officer. Board of trustees to elect officers, &c.

§ 4. No person being a trustee shall directly or indirectly receive any pay or emolument for his services, and no trustee, officer or servant of said corporation shall, directly or indirectly, for himself or as the agent or partner of others, borrow any of the funds of the said corporation or its deposits, or in any manner use the same or any part thereof, except to make necessary current payments or to make investments or to deposit for safety under the direction and by authority of the board of trustees; nor shall any trustee, officer or servant of said corporation be an indorser or surety, or in any manner be an obligor for moneys loaned by or borrowed of the said corporation. No trustee, officer or servant to borrow of corporation, &c.

§ 5. A quorum of said board of trustees shall consist of not less than five, of whom the president or one of the vice-presidents shall be one; and it shall be lawful for the trustees, in their by-laws, to provide for a larger quorum; but less than a quorum shall have power to adjourn from time to time or until the next regular meeting. Quorum.

§ 6. A regular meeting of the board of trustees shall be held once in each month to receive the reports of their officers and transact such other business as may be necessary; and the trustees may, in their by-laws, provide for calling special meetings; and any trustee omitting to attend the regular meetings of the board for six months, unless previously excused by a vote of the board, shall thereby vacate his office as trustee, but may, in the discretion of the board, be eligible to a re-election. Monthly meeting of board.

Special meetings.

§ 7. The board of trustees of said corporation shall have power, from time to time, to make such by-laws, rules and regulation * as they may

* So in original.

- think proper for the elections of officers, for prescribing their respective powers and duties and the manner of discharging the same, for the appointment and duties of committees, and generally for transacting, managing and directing the affairs of the corporation; provided such by-laws, rules and regulations are not repugnant to nor inconsistent with the provisions of this act, the Constitution and laws of this State, or of the United States.
- Proviso.**
- Business objects.** § 8. The general business and object of the corporation hereby created shall be to receive on deposit any sum or sums of money that may be offered for that purpose by any person or persons, or by any religious or charitable corporations or societies, not exceeding the sum of three thousand dollars from any one person, corporation or society, and to invest the same and declare credit and pay dividends or interest thereon as hereinafter authorized and not otherwise, and all certificates or other evidences of deposit made by the proper officer of said corporation shall be as effectual to bind the corporation, as if executed under the common seal thereof.
- Certificates, &c., good without seal.**
- Investments.** § 9. It shall be lawful for the trustees of the corporation to invest the moneys deposited with them, and the gains or profits thereof, only as follows, to wit:
- In U. S. stocks.** 1. In the stock or bonds or interest-bearing notes or certificates of the United States.
- State stocks.** 2. In the stocks or bonds or evidences of debts bearing interest of this State.
- City or county bonds.** 3. In the stock or bonds of any city or county of this State, issued pursuant to the authority of any law of this State, but not exceeding ten per cent. of the assets of the corporation shall consist of city or county bonds.
- Bonds and mortgages.** 4. In the bonds secured by mortgages on unincumbered and productive real estate situated in this State worth at least twice the amount loaned thereon; but not to exceed forty per cent. of the assets of the corporation shall consist of such bonds and mortgages.
- Power to take, hold and convey real estate.** 5. It shall be lawful for the corporation to purchase, hold and convey real estate only as follows: *a.* A lot and banking house requisite for the transaction of its business, and for an income from such portions of the same as are not required for its own use: *c.* Such as shall have been purchased at sales upon foreclosures and judgments or decrees obtained or rendered for money loaned, and all such real estate as is described in the last two preceding clauses shall be sold by the trustees within five years after the same shall be vested in the corporation, unless upon application by the trustees the Superintendent of the Banking Department shall extend the time within* such sale shall be made.
- Personal security for loans.** § 10. In all cases of loans upon real estate a sufficient bond or other personal security shall be required of the borrower, and all the expenses of searches, examinations and certificates of title or appraisals of value, and of drawing, perfecting and recording papers shall be paid by such borrower.
- Insurance.** § 11. Whenever buildings are included in the valuation of any real estate upon which a loan shall be made by said corporation they shall be insured by the mortgagor for at least two-thirds of their value, in such company of this State as the trustees shall direct, and the policy of insurance shall be duly assigned to the corporation; and it shall be lawful for said corporation to renew such policy of insurance in the same or in any other company of this State, as they may elect from year
- Renewal of policy.**

* So in original.

to year, or for a longer or shorter term, in case the mortgagor shall neglect to do so, and may charge the same to him; and all the necessary charges and expenses paid by said corporation for such renewal or renewals shall be paid by such mortgagor to the said corporation, and shall be a lien upon the property so mortgaged until paid.

Expenses thereof.

§ 12. It shall be unlawful for the said corporation, directly or indirectly, to deal or trade in real estate in any other case, or for any other purpose, than as authorized in the ninth section of this act, or to deal or trade in any goods, wares, merchandise or commodities whatever, except as authorized by the provision* of this act, and except such personal property as may be necessary in the transaction of its business.

Corporation not to deal or trade in real estate, &c.

§ 13. It shall be lawful for the trustees of the corporation, while awaiting opportunity for the judicious investment of the moneys deposited with them, as authorized and required by this act, to loan the same, or any part thereof, upon the securities mentioned in section nine of this act, subject to the limitations contained in said section, but not exceeding ninety per cent. of the cash market value of such securities shall be loaned thereon; and should any securities depreciate in value, after making a loan thereon, it shall be the duty of the trustees to require the immediate payment of such loan, or a part thereof, or additional security therefor, so that the amount loaned shall at no time exceed ninety per cent. of the market value of the securities pledged for.

Loans.

When immediate payment or additional security must be required. Investment of deposits.

§ 14. It shall be the duty of the trustees of said corporation, as soon as practicable, to invest the moneys deposited with them, and the gains or profits thereof, in the securities named in the ninth section of this act, except an available fund of not exceeding twenty per cent. of the deposits with said corporation, which the trustees may keep to meet current payments, and which may by them be kept on deposit in any bank or banking association organized under any law or laws of this State or of the United States, or with any trust company incorporated by any law of this State, upon such terms as may be agreed upon; but the sum so kept on deposit in any one bank or trust company shall not exceed twenty per cent. of the capital of such bank or trust company, and shall not exceed twenty-five thousand dollars or ten per cent. of the whole amount of deposits with this said corporation; or such available fund or any part thereof may be loaned by the trustees on call, or on notice not exceeding ten days, upon the securities, and in the manner provided in the last preceding section of this act.

Exception of available fund.

Amount thereof.

May be loaned on call.

§ 15. The sums deposited with the said corporation shall be repaid to the depositors thereof, or their legal representatives, at such times and with such interest and under such regulations as the board of trustees shall from time to time prescribe, which regulations shall be put and kept up in some conspicuous place in the room where the business of the corporation shall be transacted, and shall also be printed in the pass-book of each depositor, but shall not be altered so as to affect any deposit previously made.

Repayment to depositors, regulations therefor.

§ 16. Whenever any deposit shall be made by any person being an alien or minor, or a female, being or thereafter becoming a married woman, the same shall be held for the exclusive right and benefit of such depositor, and free from the control or lien of all persons whatsoever, except creditors, and shall be repaid, together with the dividends or interest thereon, to the person making the deposit, and the receipt of acquittance of such alien, minor or female shall be a valid and sufficient release and discharge for such deposit for the corporation.

Deposit by alien, minors, or married women, how held.

Receipt therefor.

In an action by husband, wife may be a witness.

Claimant not a party to action, how brought in.

Fund to remain to credit of action.

Costs.

Rate of interest, trustees to regulate.

Classification of depositors.

Annual report.

Books to be open to inspection.

Examining agent, how paid.

Examination of investments, &c., by order of supreme court.

Examination, how conducted.

Report.

§ 17. In all actions in any court of this State against the said corporation, by a husband to recover for moneys deposited by his wife in her own name or as her own money, the wife may be examined and testify as a witness in like manner as if she were an unmarried woman. And in all actions against the said corporation to recover for moneys on deposit therewith, if there be any person or persons, whether husband or wife, or otherwise, claiming the same fund, who are not parties to the action, the court in which such action is pending shall, on the petition of said corporation and upon five days' notice to the plaintiff and such claimants, make an order amending the proceedings in said action, by making such claimants parties defendant thereto; and the said court shall thereupon proceed to hear and determine the rights and interests of the several parties to said action in and to said funds. The said funds or deposit which are the subject of the said action may, in the discretion of the court, remain with said corporation, at the same rate of interest as other deposits, to the credit of the action until final judgment therein, and the same shall be paid by said corporation in accordance with the provisions of said final judgment. The question of costs in the action referred to in this section shall, in all cases, be in the discretion of the court.

§ 18. It shall be the duty of the trustees of the said corporation to regulate the rate of interest to be allowed to the depositors in such a manner that they shall receive, as nearly as may be, all the profits of the said corporation, after deducting necessary expenses, and reserving such amount as the trustees may deem expedient or desirable as a surplus fund, which, to the amount of ten per cent. of their deposits, the trustees of said corporation are hereby authorized to gradually accumulate and hold, to meet any contingency or loss in its business; provided, however, that it shall be lawful for the trustees to classify their depositors according to the extent or duration or character of their dealings with the said corporation, and to regulate the rate of interest in such manner that each depositor shall receive a ratable proportion of interest with all others of the same class.

§ 19. The said corporation shall, every year, make reports to the Superintendent of the Bank Department, as required by law, and in such form as he shall prescribe, and the books of the said corporation shall, at all times during business hours, be open to the inspection of the Superintendent of the Bank Department, or of such other persons as the Superintendent or the Legislature may appoint as his or their agent for that purpose. Whenever any agent shall be appointed to make any such examination, he shall be paid for his services by such corporation such sum as the Superintendent of the Bank Department shall certify to be just and reasonable.

§ 20. The Supreme Court may at any time, on the application of any trustee or depositor in said savings institution, and on reasonable cause shown therefor to the satisfaction of said court, appoint one or more person or persons to examine into the investments of said savings institution, and its affairs and business generally. The books, papers and business of said savings institution shall be open and subject to the examination of such person or persons, and the trustees, officers and clerks thereof, or any other person, may be examined on oath by such person or persons; and the same court may confer such further powers on the person or persons so appointed as they may consider necessary for the more thorough and perfect examination of the affairs and business of said corporation. The said person or persons so appointed shall report the result of their investigations to the said

court, which, if satisfied thereby that any officer, trustee or servant of said corporation has been guilty of any fraud or misconduct, may remove such person or persons, and make such further order, and take such further measures for securing the funds and property of said corporation as the said court shall deem expedient. Securing funds, &c.

§ 21. The misnomer of said corporation in any instrument shall not vitiate or impair the same if it be sufficiently described to ascertain the intention of the parties. Misnomer not to vitiate.

§ 22. The corporation hereby created shall be subject to the provisions of the eighteenth chapter of the first part of the Revised Statutes, and all other general laws affecting savings institutions, so far as the same are applicable; and this act may be repealed, or altered or amended, at any time hereafter. General laws applicable.

§ 23. This act shall take effect immediately.

Chap. 522.

AN ACT relating to the grade of that portion of Water street, in the city of Auburn, in front of the new armory in said city.

Passed May 21, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The common council of the city of Auburn shall not raise the grade or fill up that portion of Water street in said city lying west of State street, so that said street in front of the new armory in said city shall be higher than the under side of the stone steps as now constructed, leading to the first story of said armory. Any ordinance heretofore made by the said common council, or survey in pursuance thereof, which requires that portion of said street to be raised higher than the point above specified is hereby declared null and void, so far as the same relates to that portion of Water street in said city between said State street and the track of the New York Central railroad. Height of grade. Ordinance declared void.

§ 2. This act shall take effect immediately.

Chap. 523.

AN ACT to increase the number comprising the board of education of the Union free school district, number one, of the town of Fort Edward, county of Washington.

Passed May 21, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of education of the Union free school district, number one, of the town of Fort Edward, heretofore composed of three members, shall be increased to the number of nine in the manner prescribed as follows: All members of the present board shall continue to act as such until the expiration of their term of office respectively. There shall be a special meeting of the inhabitants of said school district qualified by law to vote for trustees in said district, held at the

Special meeting to elect

six additional trustees. Notice.

Terms of office.

Union school-house in said district within thirty days after the passage of this act, for the purpose of electing six additional trustees to be members of said board of education, notice of said election to be given by the clerk at least five days before the time of holding such election. Said election to be conducted in the usual manner of electing trustees in said district. Two of said additional trustees shall serve one year, two two years, and two three years from the date of the next annual school meeting, and also shall serve from the time of their election as aforesaid, and their respective terms of office shall be determined by lot, and on and after such election vacancies in said board shall be filled in the usual manner.

§ 3. This act shall take effect immediately.

Chap. 524.

AN ACT in relation to county treasurers.

Passed May 21, 1874 ; three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

When court may direct an action to be brought on official bond.

SECTION 1. Whenever any county treasurer shall, after service on him personally, or by leaving it at his office in his absence with some person having charge thereof, or if such service cannot be made, by leaving with some person of suitable age and discretion at his place of residence, or at his last place of residence in the county, if he has departed therefrom, of a certified copy of an order of the court, directing the payment or delivery of any money or securities held by him pursuant to order of the court, to any person or persons, shall fail or neglect so to do, the court may, by order, direct that an action be brought upon the official bond of such treasurer, against him and his sureties, to recover the amount of the money or securities so directed to be paid or delivered, for the benefit of the person or persons in whose behalf the direction shall have been by such order given, and whose name or names appear therein ; and thereupon such action may be brought for such purpose.

County to be protected against costs.

Security.

Judgment not a bar.

§ 2. The person or persons for whose benefit any action provided for by the first section of this act may be brought shall protect the county from liability for costs and expenses thereof, and will be entitled to any costs recovered against the defendants therein ; and in the order directing the bringing of any such action, the court may direct that security be given in such form, and approved in such manner, as the court may thereby direct, to indemnify the county against such liability. Any judgment which may be recovered in any such action shall not be a bar to another action upon the bond mentioned in the first section of this act, to recover for any other or further default of the same county treasurer. And the provisions of this act shall not be construed to create or increase liability upon the bond of any treasurer.

§ 3. This act shall take effect immediately.

Chap. 525.

AN ACT to provide for the incorporation of the New York State Grange of the Patrons of Husbandry, and councils and granges subordinate thereto.

Passed May 21, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. George D. Hinkley of Chautauqua, Jay Dimmick of Jefferson, S. Terry Hudson of Suffolk, Wm. McKie of Washington, James H. Lee of Oswego, A. J. Saunders of Cayuga, Jurian Winne of Albany, W. A. Armstrong of Chemung, D. H. Norton of Allegany, Mrs. J. L. Van Dorn of Cayuga, Mrs. O. E. Mann of Niagara, Mrs. Luke Fulton of Jefferson, Mrs. W. B. Riggs of Wayne, William G. Wayne of Seneca, Stephen R. Pratt of Jefferson, and John O'Donnell, Jr., of Queens, counties in the State of New York, and such others as shall be lawfully associated with them, and their successors, are hereby constituted a body corporate, under the name and style of "The New York State Grange of the Patrons of Husbandry," and as such shall have perpetual succession, and may sue and be sued in any of the courts of this State. And they and their successors in office may have and use a common seal, and may alter and renew the same at pleasure; and for and in aid of the purposes of their incorporation may take and hold lands, tenements and hereditaments, goods, chattels and money by purchase, gift, grant, devise or bequest, so far as the laws of this State in regard to devises will permit, and may sell, alien, devise, convey or dispose of the same as the interests of said organization may require. Provided, always, that the clear yearly income of the real estate held by said corporation shall in no case exceed twenty thousand dollars.

Corporators.

Corporate name.

Seal.

Power to take, hold and convey property.

Proviso.

§ 2. The object of said organization shall be to act as the governing body of the order of "The Patrons of Husbandry," in and for the State of New York; and as such to supervise, direct and control the organization, management, working and discipline of subordinate granges and county and district granges and councils, and provide and issue or countersign charters therefor, and ordain and establish constitutions, by-laws and rules for the guidance thereof, and to do any and all acts for the advancement of the interests of said order not inconsistent with the laws of this State or the United States.

Objects.

§ 3. The constitution and by-laws of the voluntary association known as the New York State Grange of the Patrons of Husbandry, as adopted at the last session thereof, held in the city of Albany, commencing March eighteenth, eighteen hundred and seventy-four, and the acts, proceedings and resolutions of said session, so far as any or all of them do not conflict with this act or the Constitution or laws of this State shall apply to and bind the corporation hereby created. And said corporation may, from time to time, alter or amend its constitution in the manner therein provided in any way so the same shall not, as altered or amended, conflict as aforesaid.

Constitution and by-laws.

§ 4. The officers of this organization, except its executive committee, shall be elected at the annual meeting which shall be held at such time and place as the Grange shall determine, and shall hold their offices for two years, or until their successors are elected and qualified. The officers of said voluntary associations, elected at its aforesaid session,

Officers, election of, &c.

viz., Master, George D. Hinkley; Overseer, Jay Dimmick; Lecturer, S. Terry Hudson; Steward, William McKie; Assistant Steward, James H. Lee; Chaplain, A. J. Saunders; Treasurer, Jurian Winne; Secretary, W. A. Armstrong; Gate Keeper, D. H. Norton; Ceres, Mrs. J. L. Van Dorn; Pomona, Mrs. O. E. Mann; Flora, Mrs. Luke Fulton; Lady Assistant Steward, Mrs. W. B. Riggs, shall be the officers of the said corporation until their successors shall be elected and qualified.

Executive committee, powers and duties of.

§ 5. The management and disposition of all the business interests of said corporation shall be vested in an executive committee of three. Said executive committee may have and use a seal, and alter and renew the same at pleasure. They shall have authority to act in all matters of interest to the order, when the State grange is not in session; shall provide for the welfare of the order in business matters. To them shall be referred the reports of the treasurer and secretary for examination; and they shall audit and allow all bills and accounts prior to their being paid, and shall lay before the State grange at each session a report of their acts on the first day of its annual meeting.

Report of.

Expenses.

And may, from time to time, draw such sums as may be necessary to defray their actual expenses and disbursements while engaged in the performance of their duties; and shall receive such compensation for their services as the grange may fix. The executive committee elected by the said voluntary association at its aforesaid session shall be the executive committee of this corporation, and its members shall hold their offices for the term for which they were elected and until their successors are elected and qualified, viz., William G. Wayne for the term of three years, Stephen R. Pratt for the term of two years, and

Compensation.

Term of office.

John O'Donnell, Jr., for the term of one year. And there shall hereafter be elected, at each annual session of said grange, one member of said executive committee, to hold his office for the term of three years, or until his successor shall be elected and qualified. Said committee shall elect from their own number a chairman and secretary, who shall possess and exercise the usual powers of such officers, and such others as may be specially conferred. And the said committee may, under seal, appoint from their own number or otherwise, and by resolution remove such business agents as may be necessary for the promotion of the objects of the organization, and may exact bonds, in the name of the grange, for the faithful discharge of their duties by said agents or any of the officers, agents or deputies, of said grange or its officers.

Business agents.

General rights, &c.

§ 6. The said corporation shall have and enjoy all the rights, privileges and immunities, and be subject to all the restrictions which are granted or imposed by the general laws of the State in reference to corporations, except as herein specially provided.

Subordinate granges, organization of.

§ 7. Any number of persons, not less than thirteen nor more than forty, eligible to membership under the provisions of the constitutions, by-laws, rules and usages of the said order of patrons of husbandry, as indorsed and promulgated by said New York State grange, may organize a subordinate grange in accordance with said constitutions, by-laws, rules and usages; and, on receiving a charter issued by said New York State grange or countersigned by its secretary, any subordinate grange so organized, or any heretofore organized, may file articles of incorporation with the town clerk of the town where it is located, duly signed and acknowledged by its members, or a majority of them, stating the name and number of the grange, the names of its officers and executive committee, and signifying a desire to obtain the benefits of this act. And, on filing such articles of incorporation, every such subordinate grange shall become a legal corporation, subordinate to the said

Articles of incorporation, filing of, &c.

New York State grange, and shall possess all the powers and be subject to all the duties of corporations under the general laws of this State, and under the constitution, by-laws and rules of said New York State grange. And may take, hold, sell and convey property, real and personal, and shall have and use a seal, and may alter and renew the same at pleasure; but the total net income from the real estate held by any such grange shall not exceed five hundred dollars in any one year. Any number of subordinate granges may unite in the formation of county or district granges under the constitution, by-laws and rules of the said order as adopted and promulgated by said State grange, and, after receiving a charter from the State grange, the members, or a majority of the members of such county or district grange, or councils, may make and execute articles of incorporation, in the manner provided for subordinate granges, and file them in the office or offices of the clerk or clerks of the county or counties embraced within their jurisdiction, and shall thereupon be and become a corporation with authority to sue and be sued, and shall have and use a seal, and may alter or renew the same at pleasure. And shall have and exercise all powers not in conflict with the provisions of this act or any other of the laws of the State of New York, or the constitution, by-laws, rules or usages established or promulgated by the said New York State grange, and which shall be necessary for the purpose of facilitating the transaction of business, buying, selling and shipping, or such other purposes as may seem for the good of the order. They shall be governed and the membership regulated by such laws as the council or grange may, from time to time make, not in conflict with the constitution of the national and State granges. They may elect a business agent to act in concert with the executive committee, and it will be their duty to inform the master of any irregularities practiced by deputies within their jurisdiction, and shall be an intermediate organization between the State and subordinate granges.

Powers and duties.

County or district granges.

Articles of incorporation.

Powers of.

Government of.

Business agent.

§ 8. This act shall take effect immediately.

Chap. 526.

AN ACT to amend an act entitled "An act to incorporate the Anglo-Mexican Railway Company."

Passed May 21, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Anglo-Mexican Railway Company is hereby authorized to acquire in the Republic of Mexico, by donation, purchase or otherwise, real or personal property, other than that which they may receive in payment for work done, and the said company is hereby authorized to commence operations, and to hold the first election for directors when two hundred and fifty thousand dollars of the capital stock is subscribed and ten per centum thereupon paid in, and the said company may thereafter, as their needs require, increase the capital stock up to any amount not exceeding in all fifty millions of dollars, but such increase shall never be made, except upon the written consent of stockholders holding at least two-thirds in amount of the stock previously issued, and upon the vote of the stockholders legally convened.

Company may acquire real and personal property.

When to commence operations, &c.

Increase of stock, how made.

§ 2. This act shall take effect immediately.

Chap. 527.

AN ACT to authorize the city of Oswego to convey by deed a part of lot number ninety-seven, Van Buren tract, in said city.

Passed May 21, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Description.

SECTION 1. The city of Oswego is hereby authorized to convey by deed in fee simple the lot situate in the third ward of the city of Oswego heretofore used as a pound and described as follows: Commencing at a point on the east side of Liberty street, seventy feet north of the north side of Oneida street; running thence northerly, along the east side of Liberty street, thirty feet; thence easterly, parallel with Oneida street, sixty-three feet; thence southerly, parallel with Liberty street, thirty feet; thence westerly, parallel with Oneida street, sixty-three feet to the place of beginning, being a part of lot number ninety-seven, Van Buren tract, Oswego city, to any person or persons who shall have purchased, or may purchase the same hereafter. Such conveyance to be executed by the mayor of the city of Oswego under the corporate seal of said city.

Conveyance, how executed.

§ 2. This act shall take effect immediately.

Chap. 528.

AN ACT in relation to free union school district number one of the town of Plattsburgh.

Passed May 21, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Board of education may issue bonds.

When payable.

Purposes.

SECTION 1. The board of education of free union school district number one of the town of Plattsburgh is hereby authorized, in accordance with the votes of said district, passed severally, June third, June tenth, and October fourteenth, eighteen hundred and seventy-three, and April fourth, eighteen hundred and seventy-four, to issue bonds of said district, payable in not exceeding twelve years from the date of the several bonds, with the interest payable thereon semi-annually; and also for such sums as said board shall think necessary for erecting a new school building, purchasing additional ground for site, for sewerage, furniture, apparatus, and incidentals, to an amount not exceeding forty-two thousand dollars, and for such further sum as may hereafter be voted for such purposes. Said bonds shall be made and negotiated under the direction of the aforesaid board of education, but shall not be sold at less than their par value, and no commission or other compensation shall be allowed for negotiating the sale of said bonds, or for receiving or disbursing any moneys belonging to said district, except the legal fees of the collector of said district, unless by a vote of the district. Said bonds shall be signed by the president of said board, and countersigned and registered by the treasurer of said board; and to meet said bonds and

How executed.

the interest thereon a sufficient amount shall be raised by taxes, from Taxes.
time to time, in the same manner as other district taxes, to pay the
same.

§ 2. This act shall take effect immediately.

Chap. 529.

AN ACT to provide increased facilities for the fire department in the town of New Lots, Kings county.

Passed May 21, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the supervisor and town clerk to call a special town meeting, to be held in the town of New Lots, county of Kings, on the first day of June, eighteen hundred and seventy-four, between the hours of sunrise and sunset, to determine, by ballot, whether a sum, not to exceed twenty-five thousand dollars, shall be expended for the purpose of increasing the efficiency of the fire department in said town, for which purpose separate boxes shall be provided, and ballots prepared, containing the words "For," or "Against," and be indorsed "Fire department supply," and, if a majority of votes are in favor, the supervisor and commissioners of highways for said town of New Lots shall, each of them executing a bond to the county treasurer of said county, within thirty days after such election, in the sum of ten thousand dollars, for a faithful discharge of duty and disbursement of moneys which may come into their hands, proceed to effect or carry out the provisions contained in the following sections of this act. Special meeting.
Ballots.
Bond of supervisors, &c.

§ 2. If the decision of the voters be in favor, as before provided, it shall be the duty, and they, the supervisor and commissioners of highways, are hereby authorized to raise, by tax upon the taxable property of the said town of New Lots, a sum not to exceed twenty-five thousand dollars, for the purpose of procuring apparatus, laying water-pipe or other appliances which may be deemed necessary for the extinguishment of fires. Tax.

§ 3. The supervisor of said town of New Lots is hereby authorized to borrow, on the faith and credit of the town of New Lots, and in its name execute and issue bonds for such sum or sums of money, with interest, as shall be necessary to pay for the cost and expenses of such apparatus, laying of pipe or other appliances for the extinguishment of fires. The bonds so to be made and issued may be in such sums and at such rate of interest, not exceeding seven per cent., and payable at the office of the county treasurer of Kings county at such times, not exceeding ten years, and in such form as the said supervisor may deem expedient. Supervisor may borrow money and issue bonds.
Rate of interest, &c.

§ 4. The said supervisor and commissioners of highways shall each year certify to the board of supervisors of the county of Kings such sum as may be required for interest on the bonds which may be issued, which sum shall be by them (the supervisors) added to and made a part of the annual taxes for each and every year until the maturity of the bonds authorized to be issued, when, upon the maturity of said bonds thus issued, the said board of supervisors shall levy, and direct to be collected, the full amount of said issue, with interest, to meet the bonds so maturing. Sum required for interest to be certified annually, &c.

When
county
judge to
appoint
commissioners.

§ 5. In case of the failure of said supervisor or commissioners of highways to qualify, as provided in section first of this act, it shall be the duty of the county judge of Kings county, on application being made to him by the tax-payers of said town, to appoint commissioners, not exceeding five in number, to carry out the provisions of this act, and the commissioners so appointed shall perform all the duties and shall give bonds as provided in this act.

Compensation.

§ 6. No person acting as a commissioner under the provisions of this act shall be entitled to any compensation of any kind whatever, for any duties performed under the provisions of this act.

§ 7. This act shall take effect immediately.

Chap. 530.

AN ACT to provide for the opening, regulating and improving of Fulton avenue, in the town of New Lots, Kings county.

Passed May 21, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commissioners may open Fulton avenue, &c.

SECTION 1. The commissioners appointed under and by authority of chapter three hundred and forty-nine, laws of eighteen hundred and seventy-two, are hereby empowered and authorized to open Fulton avenue in the town of New Lots from the westerly line of property represented on map B, as filed in the office of the register of Kings county, easterly to the Queens county line, and to regulate and improve the same in accordance with the petition on file in said commissioners' office (said petition being signed by two-thirds of the resident owners on the line of said avenue).

Map to be made and filed.

Assessment of damages, how made.

§ 2. Such commissioners shall have a map made, showing the land to be taken for the use of such avenue as now laid out and adopted by the town survey commissioners of Kings county, and shall file a copy of the same in the office of the town clerk of the town of New Lots, and such commissioners shall also have power to assess the damages, if any, sustained by persons through whose lands such avenue shall be opened. In assessing such damages they shall view the premises, hear the parties interested, and shall assess such damages, as is hereinafter provided, on such lands as shall be in their opinion benefited thereby, excepting, however, from assessments for lands taken, the lands of those owners who shall, within thirty days after the notice of the filing of the map showing such lands to be taken for said avenue, release to the town of New Lots the lands necessary for said avenue and open the same. In making the assessments for lands taken and buildings removed, and making the awards therefor, the commissioners shall give notice in one or more newspapers published in said town, at least once a week for two weeks previous thereto, of a time when and a place where they will meet for such purpose, for which purpose they may adjourn from time to time as they may deem necessary. After having completed such assessments for damages and benefits, they shall present the same, together with a map showing the assessment district in which such assessments are laid (as is hereinafter provided), to any justice of the Supreme Court of the second judicial district, for review and correction, who, after examining the same, shall, if he find the said

Notice of meeting to make assessment.

Review and correction.

assessment just, cause an order to be entered confirming such assessments and awards, and the same shall be final and conclusive, and the lands taken shall vest in the town of New Lots for the purpose of a public highway.

§ 3. Such commissioners shall issue to the owners of lands taken, or buildings removed, to whom awards for benefits are made, certificates of indebtedness for the amount of such awards, deducted therefrom the amount, first, that may be assessed against them for the opening of said avenue, for which purpose the commissioners shall give notice of a time when and place where they will meet to issue such certificates, such notice to be published not less than twice in the public newspapers of said town.

Certificates of indebtedness.

Notice of meeting.

§ 4. The commissioners shall enter upon the lands taken for said Fulton avenue, by their engineer and servants, and proceed to fix a grade for and grade and make a good hard road and gravel turnpike of said Fulton avenue; and shall assess the cost and expenses thereof, together with the amount due for counsel fees, superintendence, maps and surveys, and all general expenses of said commissioners in carrying out the provisions of this act, and the amount necessary to pay the certificates issued for the lands and buildings taken, upon the lands and premises immediately adjoining said Fulton avenue from the westerly line of property represented on map B, as aforesaid easterly, to the Queens county line, to the extent of the center of the block, not exceeding two hundred feet on both sides thereof, as they deem the same benefited thereby; and shall certify such assessments to the supervisors of the town of New Lots, who shall present the same, together with the maps showing the assessment district on said avenue, to the board of supervisors of the county of Kings, who shall levy the same upon the lands and premises described in the maps showing such assessment district (and the said assessment shall be a lien upon such lands until paid), and shall cause the same to be collected in the same manner and at the same time that the general taxes for such year are collected, and when collected shall be paid to the treasurer of said commission, who shall redeem the certificates issued, and pay the expenses incurred in opening and improving Fulton avenue.

Commissioners to enter upon land, make road, &c. To assess cost, expenses, &c.

Certificate thereof.

Supervisors to levy and collect same.

§ 5. Such commissioners are empowered to issue certificates of indebtedness to pay all expenses incurred in carrying out the provisions of this act, prior to the collection of the assessments for such purpose. Such commissioners shall each receive the sum of one hundred dollars for services in carrying out the provisions of this act, the same to be included as part of the general expenses, as mentioned in section four of this act.

Certificates of indebtedness.

Compensation of commissioners.

§ 6. This act shall take effect immediately.

Chap. 531.

AN ACT to amend an act entitled "An act to empower the board of water commissioners of the city of Buffalo, together with the common council of said city, to establish or designate public hydrants in said city, and providing for the appointment of water commissioners in said city," passed June twenty-fifth, eighteen hundred and seventy-three.

Passed May 22, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section first of an act entitled "An act to empower the board of water commissioners of the city of Buffalo, together with the common council of said city, to establish or designate free public hydrants in said city, and providing for the appointment of water commissioners in said city," passed June twenty-fifth, eighteen hundred and seventy-three, is hereby amended so as to read as follows :

Public hydrants may be established, &c.

Expenses thereof.

§ 1. The board of water commissioners of the city of Buffalo, by and with the consent of the common council of said city, may locate, establish, designate and maintain any such public hydrant or hydrants within the city of Buffalo for the free use of the public as shall be deemed advisable by said board of water commissioners and the common council of said city ; and the expense thereof shall be paid from the general fund of the said city.

§ 2. This act shall take effect immediately.

Chap. 532.

AN ACT to amend act chapter two hundred and seventy-six of the laws of eighteen hundred and sixty-four, entitled "An act in relation to the sale, use and disposition of butts, hogsheads, barrels, casks or kegs used by the manufacturers of malt liquors."

Passed May 22, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section four of the act chapter two hundred and seventy-six of the laws of eighteen hundred and sixty-four, entitled "An act in relation to the sale, use and disposition of butts, hogsheads, barrels, casks or kegs used by the manufacturers of malt liquors," which section reads as follows : "The provisions of this act shall apply only to the cities of New York, city and county of Albany, and the county of Kings," is hereby stricken out of said law and repealed.

§ 2. This act shall take effect immediately.

Chap. 533.

AN ACT authorizing the supervisor of the town of Poland in the county of Chautauqua, to convey to the Levant Cemetery Association, the lands now held by said town for said cemetery.

Passed May 22, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The supervisor of the town of Poland, in the county of Chautauqua, is hereby authorized upon the written consent of a majority of the lot owners in said cemetery association, an association formed in said town under the act passed April twenty-seventh, eighteen hundred and forty-seven, entitled "An act authorizing the incorporation of rural cemetery associations," and the several acts amending the same, those certain pieces or parcels of land of which the said town or its supervisor is now seized, and which are used and occupied for cemetery purposes by said cemetery association; and when such conveyance shall have been duly made, the said pieces or parcels of land shall be thereafter held for cemetery purposes only, by the said association for the benefit of the inhabitants of said town, and the members of said association, and shall be subject to the management and control of the trustees and officers of the said association.

§ 2. This act shall take effect immediately.

Chap. 534.

AN ACT authorizing the supervisor of the town of Poland, in the county of Chautauqua, to convey to the Kennedy Cemetery Association the land now held by said town in the village of Kennedy, and used for cemetery purposes.

Passed May 22, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The supervisor of the town of Poland, in the county of Chautauqua, is hereby authorized upon the written consent of a majority of the legal voters of said town to convey to the Kennedy Cemetery Association, an association formed in said town under the act passed April twenty-seventh, eighteen hundred and forty-seven, entitled "An act authorizing the incorporation of rural cemetery associations," and the several acts amending the same, that piece or parcel of land situate in the village of Kennedy, town of Poland, of which the said town or its supervisor is now seized, and which is used and occupied for cemetery purposes, and when such conveyance shall have been duly made, the said piece or parcel of land shall be thereafter held but for cemetery purposes only, by the said association for the benefit of the inhabitants of said town and the members of said association, and shall be subject to the management and control of the trustees and officers of the said association.

§ 2. This act shall take effect immediately.

Chap. 535.

AN ACT to amend chapter eight hundred and thirty-three of the laws of eighteen hundred and seventy-three, entitled "An act to regulate the fees of coroners."

Passed May 22, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The thirteenth paragraph of section one, chapter eight hundred and thirty-three of the laws of eighteen hundred and seventy-three, entitled "An act to regulate the fees of coroners," is hereby amended by adding thereto the words, "as shall be allowed by the board of supervisors," so that said paragraph shall read as follows:

Reimbursement. "Shall be reimbursed for all moneys paid out, actually and necessarily, by him in the discharge of official duties as shall be allowed by the board of supervisors."

§ 2. Section two of said act is hereby amended so as to read as follows:

Coroner may employ surgeons. § 2. A coroner shall have power, when necessary, to employ not more than two competent surgeons to make post-mortem examinations and dissections and to testify to the same, the compensation therefor to be a county charge.

§ 3. Section three of said act is hereby amended so as to read as follows:

Fees as witness. § 3. Whenever, in consequence of the performance of his official duties, a coroner becomes a witness in a criminal proceeding, he shall be entitled to receive mileage to and from his place of residence, ten cents per mile, and three dollars per day for each day, or fractional parts thereof, actually detained as such witness.

Chap. 536.

AN ACT to amend the charter of the village of Weedsport, in the county of Cayuga.

Passed May 22, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Taxes for highway labor a money tax. SECTION 1. All highway labor assessed by the trustees of the village of Weedsport upon the inhabitants or property thereof, shall be assessed at one-half of one per cent. upon the last assessed valuation, or at a less sum as the trustees may direct, and all taxes for highway labor shall be a money tax, and collected by the collector of the village and paid to the treasurer of said village as soon as collected. The trustees of said village shall, in addition to the powers they now possess, have authority to construct or cause to be constructed, all sewers, culverts and drains which, in their judgment, may be necessary for the proper drainage of said village, or any of the streets thereof, one-half of the expense of all such sewers, culverts and drains to be paid by such parties as the trustees may deem such sewers, culverts and drains to have benefited, and the other half to be paid out of the highway tax of said

Trustees may construct sewers, &c.

Expenses thereof.

village. The poll-tax of said village shall be one dollar each, and shall be collected in the same manner as other taxes. The trustees of said village shall have authority to appoint one or more street commissioners, and one or more police constables, and shall likewise have the power to fix the compensation of such street commissioners, but such compensation shall not exceed two dollars per day. The fire company of said village, or a majority of the members thereof, are hereby empowered to elect a chief engineer and all the other officers of the fire company of said village at a public meeting of said company, to be held at the engine house in the said village upon ten days' notice of such meeting being given either in a newspaper published in Weedsport, or by three written or printed notices posted in conspicuous places in said village. The trustees of said village are hereby required to give ten days' notice to any owner or occupants in said village to repair his, her or their sidewalks, and twenty days' notice to build new ones.

§ 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Poll tax.

Street commissioners and police constables.

Fire company may elect chief engineer.

Side-walks.

§ 3. This act shall take effect immediately.

Chap. 537.

AN ACT to repeal an act passed May eleventh, eighteen hundred and seventy-two, entitled "An act to amend an act entitled 'An act to provide for the drainage of the swamp, bog and other low and wet lands in the village of White Plains and adjacent thereto,' passed May second, eighteen hundred and seventy-one," so far as the same relates to that portion of the town of Greenburgh lying without the limits of the village of White Plains.

Passed May 22, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. An act passed May eleventh, eighteen hundred and seventy-two, entitled "An act to amend an act entitled 'An act to provide for the drainage of the swamp, bog and other low and wet lands in the village of White Plains and adjacent thereto,' passed May second, eighteen hundred and seventy-one" is hereby repealed so far as the same relates to or renders liable to assessment or taxation all that portion of the town of Greenburgh lying without the limits of the village of White Plains; provided, however, that nothing in this act contained shall affect any action or proceeding now pending in any court, nor any act or thing done prior to the passage hereof, or any contract heretofore made under and pursuant to the act hereby repealed, or any liability of the town of Greenburgh or the taxable property thereof for assessment or taxation on account of work heretofore done or contracted to be done under said act, or for the payment of bonds issued or which may lawfully be required to be issued to pay for such work done or contracted to be done.

Repeal.

Proviso.

§ 2. This act shall take effect immediately.

Chap. 538.

AN ACT to amend an act entitled "An act in relation to the keeping open of certain public offices in the county of Kings," passed June twenty-eighth, eighteen hundred and seventy-three.

Passed May 22, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The first section of said act is hereby amended so as to read as follows :

Office of
sheriff,
clerk and
register,
and of
clerk of
city court,
what
hours to
be open.

§ 1. The office of the sheriff, county clerk and register of the county of Kings, and the office of the clerk of the city court of Brooklyn, shall be closed on Saturdays at three o'clock P. M., and kept open every other day in the year from nine o'clock in the forenoon till four o'clock in the afternoon, except Sundays, the first day of January, commonly called New Year's day, the twenty-second day of February, the thirtieth day of May, known as Decoration day, the fourth day of July, the twenty-fifth day of December, or any day appointed or recommended by the Governor of this State or the President of the United States as a day of fast or thanksgiving, the day for holding the general State election in each year, and also any day appointed for holding any special election in the county of Kings. Whenever any of the holidays mentioned in this act shall fall upon Sunday the Monday next following shall be deemed and considered a public holiday for all or any of the purposes aforesaid.

§ 2. This act shall take effect immediately.

Chap. 539.

AN ACT to incorporate the State Council of the Order of United American Mechanics of the State of New York.

Passed May 22, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Corporat-
ors.

Corporate
name.

Board of
incorpora-
tion.

Corporate
powers.

SECTION 1. The members of the State Council of the Order of United American Mechanics of the State of New York, and such other persons as may hereafter become members thereof, are hereby created a body politic and corporate, in deed and in case, by the name, style and title of the State Council of the Order of United American Mechanics of the State of New York, to be composed of a board of incorporation as follows : A state councillor, state vice-councillor, state council secretary, state council treasurer, state council inductor, state council examiner and state council protector, who shall be annually elected at such time and in such manner and place as the constitution and by-laws provide.

§ 2. The said corporation, by that name, shall have and enjoy perpetual succession, and be able to sue and be sued, plead and be impleaded in all courts of law or elsewhere in this State, and shall be able and capable, in law and equity to take, purchase, hold and receive to them and their successors, for the use of said association, any lands,

tenements, goods, chattels, sum or sums of money by grant, gift, bargain and sale, will, devise or bequest, from any person or persons whatsoever, and the same to grant, bargain, sell, mortgage, improve or dispose of for the use of the association, and in general, to do all things which may be lawful or necessary for the well-being and proper management of said corporation; provided, that the real estate of which the said corporation shall at any time be possessed shall not exceed the clear annual value of twenty-five thousand dollars. Proviso.

§ 3. The said corporation shall have power to grant charters to subordinate councils of the Order of United American Mechanics in the State of New York, according to the regulations, by-laws, rules and constitution adapted to govern the same, or may be necessary for their government and promotion of the principles of the said association; provided, that no by-laws, rules or regulations as aforesaid shall be valid if inconsistent with the Constitution and laws of this State or of the United States. Charter to subordinate councils.

§ 4. The present officers of the said corporation, constituting the corporate board, shall continue in their respective stations until an election shall be held under this act, and the constitution and by-laws now in force shall be good and valid until altered, amended and abrogated by the said corporation. Present officers, how long to continue in office.

§ 5. The said State Council of the Order of United American Mechanics as incorporated shall have power to make and use a common and corporate seal, and to alter, destroy and renew the same at pleasure, and to elect and appoint such officers of said association as said corporation may think necessary; and they shall be elected at such time and place, and in such manner, as the rules and by-laws of said corporation may direct. Corporate seal. Officers, election of, &c.

§ 6. The objects of this association shall be such as set forth in their constitution, namely:

First. To assist each other in obtaining employment.

Second. To encourage each other in business.

Third. To establish a sick and funeral fund.

Fourth. To establish a fund for the relief of widows and orphans of deceased members.

Fifth. To aid members who, through providence, may have become incapacitated from following their usual avocations in obtaining situations suitable to their condition.

§ 7. This act shall take effect immediately.

Chap. 540.

AN ACT to amend "An act to provide for supplying the village of Flushing, Queens county, with pure and wholesome water," passed February fifteen, eighteen hundred and seventy-two.

Passed May 22, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The trustees of the village of Flushing shall have power to borrow from time to time for the purposes of "An act to provide for supplying the village of Flushing, Queens county, with pure and wholesome water," passed February fifteen, eighteen hundred and seventy- Trustees may borrow additional sum of money.

Rate of
interest.

Bonds.

Not to be
sold at less
than par.Approval
of voters
at special
meeting.

Ballots.

Certificate
of result.Subse-
quent
election.

two, upon the credit of the village of Flushing, a sum not exceeding in the whole seventy-five thousand dollars in addition to the sum of one hundred and twenty-five thousand dollars authorized to be borrowed by the fifth section of said act, and upon such terms of credit, of not less than ten nor more than thirty years, as shall seem best for the interests of the village, and at a rate of interest not exceeding seven per cent. per annum; and to secure said additional loan said trustees are authorized to issue bonds of said village, signed by the president and clerk, and sealed with the seal thereof, which bonds shall be made of such amounts respectively as said trustees shall think expedient, and shall not be sold for less than par, and the money so borrowed on said bonds shall be appropriated by said trustees to the purpose expressed in said act and to no other purpose whatever.

§ 2. The said trustees shall take no steps in pursuance of the provisions of this act, until the same shall be approved by a majority of voters of said village, voting at a special or annual village election, to be called and held by said trustees as provided in the charter of said village, after giving at least ten days' notice of such meeting, by posting the same in at least six public and conspicuous places in the said village, and by publication of such notice in all the newspapers of said village of Flushing once in each week for two weeks. The said election shall be conducted in all other respects as now provided by law for elections in said village. The ballots shall contain the words "In favor of seventy-five thousand dollars additional for water," or "Opposed to seventy-five thousand dollars additional for water." If a majority of the ballots cast at such election shall contain the words, "In favor of seventy-five thousand dollars additional for water," the approval aforesaid shall be considered as given. A certificate of the result of such election shall be filed by said trustees in the office of the county clerk of Queens county, within five days after such election shall be held. In case at the election so held the approval aforesaid shall not be obtained, it shall be lawful for the said trustees to call and hold subsequent elections within two years after the passage of this act, in all respects to be called and conducted as prescribed for said first election; but no succeeding election shall be held within six months of the time of holding a preceding election under this act.

§ 3. This act shall take effect immediately.

Chap. 541.

AN ACT to amend an act entitled "An act in relation to the location and erection of public buildings for the use of the city of Rochester," passed April twelfth, eighteen hundred and seventy-two.

Passed May 22, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section ten of chapter two hundred and nineteen of the laws of eighteen hundred and seventy-two, being an act entitled "An act in relation to the location and erection of public buildings for the use of the city of Rochester," is hereby amended so as to read as follows:

§ 10. The whole amount to be expended by said commissioners under this act, shall not exceed three hundred and thirty-five thousand

dollars, and they shall perform and complete all the duties assigned to them by this act, on or before the first day of July, eighteen hundred and seventy-five.

§ 2. This act shall take effect immediately.

Chap. 542.

AN ACT to amend an act entitled "An act to revise the charter of the city of Buffalo," passed April twenty-eighth, eighteen hundred and seventy, as amended January twelfth, eighteen hundred and seventy-two.

Passed May 22, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of title two of the act entitled "An act to revise the charter of the city of Buffalo," passed April twenty-eighth, eighteen hundred and seventy, as amended January twelfth, eighteen hundred and seventy-two, is hereby amended so as to read as follows:

§ 3. The officers to be elected by the electors of each ward shall be two aldermen, two supervisors and one constable. The term of office of the aldermen and supervisors shall be two years, and of constable one year, and until the successor of several * officers shall enter upon their office. One aldermen and one supervisor shall be elected annually. After the next annual election to take place in eighteen hundred and seventy-four, the two supervisors elected the present year shall draw lots to determine which of them shall serve one, and which two years. In the thirteenth ward there shall be elected every alternate year one supervisor, who shall hold his office two years and until his successor shall enter upon his office. There shall be three inspectors of election in each election district, to be yearly elected by the electors thereof; but no elector shall vote for more than two inspectors. The term of office of said inspectors of elections shall be one year, and they shall be inspectors of elections at all elections held in said city during their term of office.

Term of office.

Supervisor or in thirteenth ward.

Inspectors of election, their term of office, &c.

§ 2. This act shall take effect immediately.

Chap. 543.

AN ACT to amend chapter eleven, part one, title three, article three, section thirty-one, of the Revised Statutes.

Passed May 22, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter eleven, part one, title three, article three, section thirty-one, of the Revised Statutes, is hereby amended so as to read as follows:

* So in original.

If proper officers are not chosen at town meeting, justices of the peace may appoint.

Special town meeting.

§ 31. If any town shall omit or neglect at its annual town meeting to choose its proper town officers or any of them, it shall be lawful for any three justices of the peace of the said town, by a warrant under their hands and seals, within five days after such town meeting, to appoint such officer or officers, and the person or persons so appointed shall hold their respective offices until others are chosen or appointed in their places, and shall have the same powers and be subject to the same duties and penalties as if they had been duly chosen by the electors; but if the justices of the peace fail to so appoint, it shall be the duty of the town clerk, within thirty days thereafter, to call a special town meeting for the purpose of electing such officer or officers.

§ 2. This act shall take effect immediately.

Chap. 544.

AN ACT to authorize the election of town auditors, in the town of Saratoga Springs in the county of Saratoga, and to prescribe their powers and duties.

Passed May 22, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Town auditors to be elected.

SECTION 1. In addition to the officers now authorized by law to be elected at town meetings, there shall be elected in the town of Saratoga Springs in the county of Saratoga, at the next annual town meeting held after the passage of this act, and annually thereafter, three town auditors, whose term of office shall continue during one year after their election, and who shall form the board of town auditors for that town.

Their powers, &c.

§ 2. All the powers conferred by law upon boards of town auditors, and all duties required by law to be performed by such boards, in relation to the auditing and allowance of bills and claims against towns, or the bills and claims of any officer of the town of Saratoga Springs, so far as applicable to said county, are conferred upon and shall be required of the town auditors elected or appointed under and pursuant to this act.

How voted for, &c.

§ 3. Such town auditors shall be voted for upon the same ballots as other town officers, and the votes for such auditors shall be received and canvassed, and their election shall be certified, in the manner in which the votes for other town officers are received and canvassed and their election certified; excepting, however, that only two of such auditors shall be voted for on each ballot, and the two persons having the highest number of votes shall be declared elected as two of such auditors, and the person having the next highest number of votes shall be declared elected as the other of such auditors.

Qualifications.

§ 4. No person shall be elected as such town auditor, or shall hold office as such, unless he is a freeholder of the town for which he shall be elected; and no person so elected shall hold any other office in such town during the term for which he is elected; and if he shall accept an election or appointment to any other office in such town, he shall immediately cease to be a town auditor, and the vacancy in his office shall be supplied in the manner hereinafter required.

Compensation.

§ 5. Each of such town auditors shall be entitled to, and shall receive, for his services, five dollars per day for each day, not exceeding

two, actually employed by him in the performance of the duties of his office. In case of any vacancy occurring in the board of town auditors, ^{Vacancy, how filled.} by the death or removal from the town of any or either of such auditors, or by his neglect or refusal to accept such office, the supervisor of the town in which such vacancy occurs may appoint some suitable and competent person to fill such vacancy until the next annual town meeting thereafter.

§ 6. All acts and parts of acts inconsistent herewith are hereby ^{Repeal.} repealed.

§ 7. This act shall take effect immediately.

Chap. 545.

AN ACT in relation to the Marine court of the city of New York.

Passed May 22, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The time of service of all pleadings of every description in the marine court of the city of New York, shall in all cases be six days instead of twenty days as provided for by the Code of Procedure, unless, at the time of commencing the action, the time to answer be shortened by order to not less than two days, in which case the time to serve such pleadings shall be two days instead of twenty days as provided for by the Code, and in cases of arrest, or where the summons is served by publication, the defendant shall have ten days after such arrest is actually made, or such publication is completed (in case of publication) in which to answer the complaint, anything in the summons to the contrary notwithstanding. ^{Time for service of pleadings.} ^{Time to answer in cases of arrest.}

§ 2. Actions in said court may be noticed for trial for any day in the term, and all notices of hearing in said court (other than on ordinary motions) whether at trial or general term, or before referee, shall be served five days before the time of such hearing. ^{Notice of trial.}

§ 3. In all cases in which the said court is now authorized by law to issue an attachment, and in which such attachment has or may be issued, and the person on whom the summons is to be served is not a resident, or cannot, after due diligence be found within the jurisdiction of said court, or is a corporation created or doing business out of, but has property within such jurisdiction, and such fact shall appear by affidavit, the said court or any justice thereof may grant an order that the service be made by publication of the summons, as provided in subdivision five of section one hundred and thirty-five of the Code of Procedure, and jurisdiction in all such cases shall be acquired on the allowance of the attachment. ^{In cases in which attachment may issue, service may be by publication.}

§ 4. Any other court of record may in its discretion, by an order to be entered on its minutes after the joining of issue, send any action pending therein or that may hereafter be brought therein to the said marine court for trial, and a certified copy of such order shall be delivered to and filed with the clerk of the said marine court, and be entered by him on its minutes, and thereupon the said marine court shall have immediate and exclusive jurisdiction of such action as full and comprehensive in that particular as that of the court from whence the same proceeds. ^{Other courts of record may send action pending therein to marine court.}

- Jurisdiction.** § 5. In addition to the jurisdiction now possessed by said court, it shall have the same jurisdiction of all actions for breach of promise to marry now possessed by other courts of record.
- Sale of perishable property.** § 6. In cases where perishable property shall be levied upon under attachment or execution, the court may on the application of the officer making the levy, authorize the sale of such property at such time and on such notice as the nature of the case may seem to require.
- Proceedings supplementary to execution.** § 7. In all cases where judgment shall be recovered in said court all proceedings supplementary to execution on said judgments under the provisions of the Code if had in the city or county of New York, shall be had and completed in the said marine court of the city of New York, in the same manner and with like effect in every particular as now allowed by law in other courts of record, and all provisions of law relating to such proceedings shall apply to said marine court as fully as they now apply to any other court of record.
- Justices may administer oaths, &c.** § 8. Each of the justices of said court may, in the city of New York, by virtue of his office, administer oaths, take depositions and acknowledgments of all instruments in writing, and certify the same in like manner and with like effect, as any justice of any other court of record.
- Appeal from general term.** § 9. The appeal from the general term of the marine court prescribed in section three hundred and fifty-two of the Code, shall be from an actual determination at such general term only, and shall be taken within twenty days after written notice of the judgment by such general term, and an appeal may be taken in like manner from an order granting a new trial, provided the notice of appeal contain an assent on the part of the appellant, that if the order be affirmed, judgment absolute shall be rendered against the appellant, and on the determination of such appeal effect shall be given by the appellate court to such stipulation, if necessary.
- From order granting new trial.** § 10. The general term of said marine court may, on the affirmation or reversal of a judgment, in its discretion grant an allowance not exceeding thirty dollars to the successful party on such appeal.
- Extra allowance.** § 11. On appeals from the general term of the said marine court, the appellate court, on the reversal of a judgment, may, in its discretion, award a new trial in the court below, unconditionally, with costs, or to abide the event.
- Award of new trial, conditions of.** § 12. Whenever judgment shall be recovered in said marine court for twenty-five dollars or over, whether for damage or costs, a transcript thereof may be docketed with the clerk of the city and county of New York, and the said judgment shall thereupon have the same effect as a lien, and be enforced in the same manner as any other judgment of said court.
- Transcript of judgment, docketing of.** § 13. The said marine court is hereby authorized to appoint a stenographer to attend the trial term part four during the session thereof. Such stenographer shall hold office during the pleasure of the court and receive a salary equal to that paid to the other stenographers employed in the courts. Such salary shall be paid monthly by the comptroller of the city of New York.
- Stenographer.** § 14. This act shall take effect immediately.
- His salary.**

Chap. 546.

AN ACT to provide for the safe-keeping of the money raised for the payment of town expenses in the city of Utica.

Passed May 22, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The money raised by the board of town auditors for the payment of town expenses in the city of Utica, shall hereafter be deposited with, and held by, the treasurer of said city, to be disbursed by him upon the warrants or orders herein mentioned. Deposit with city treasurer.

§ 2. The said moneys shall be kept by said treasurer as a "town fund," and shall not be applied to any other than the payment of the town expenses of said city in the manner herein provided. To be kept as town fund.

§ 3. The board of town auditors of said city shall, at its annual meeting in November next after the passage of this act, raise the sum of two thousand five hundred dollars, to be deposited with said treasurer as a special town fund; and said treasurer shall, upon the requisition of the board of charities of said city, advance therefrom to the clerk of said board such amount as they may from time to time require to meet the cash disbursements necessary in the discharge of their official duties, not exceeding in the aggregate the amount of such fund annually. Special town fund to be raised. Treasurer to advance therefrom to board of charities.

§ 4. The said board of charities shall present to the board of town auditors, at the annual meetings thereof, an account in detail of such expenditures made of the moneys so advanced, which account shall be audited by said board of auditors, and the amount of such audit shall be deposited with the treasurer of said city to the credit of said special town funds. Account of expenditures.

§ 5. The said city treasurer shall pay from the said town funds all warrants or orders which may be issued by authority of the board of supervisors of the county of Oneida or of the board of town auditors of said city for the payment of the town expenses thereof and shall, on the last Tuesday of February annually, present to the said board of town auditors an account of the receipt and payments made in pursuance of this act which account shall be audited and certified by said board of auditors. City treasurer to pay warrants, &c. Account of receipts and payments.

§ 6. The said city treasurer shall, within ten days from the first Tuesday in March, annually, execute a bond to the town of Utica in such penalty and with such sureties as said board of auditors may direct and approve, conditioned that he shall faithfully perform the duties connected with receiving, accounting for, and paying over all money to be received by him in pursuance of this act. City treasurer's bond.

§ 7. The said board of auditors shall furnish the said treasurer with the necessary books for the duties herein imposed upon him. Books.

§ 8. The said treasurer shall not be entitled to receive, nor shall he be paid by said board of town auditors, any compensation for the services discharged by him as herein required, but the annual salary paid such officer by the common council of said city shall be in full compensation for all the official duties required of him as such treasurer. Compensation of treasurer.

§ 9. All acts and parts of acts inconsistent with or in conflict with this act, so far as the same do conflict, are hereby repealed. Repeal.

§ 10. This act shall take effect immediately.

Chap. 547.

AN ACT to amend an act entitled "An act to amend and reduce to one act the several acts relating to buildings in the city of New York, passed May fourth, eighteen hundred and sixty-six, May seventeenth, eighteen hundred and sixty-seven, and May sixth, eighteen hundred and sixty-eight," passed April twentieth, eighteen hundred and seventy-one.

Passed May 22, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of chapter six hundred and twenty-five of the laws of eighteen hundred and seventy-one, entitled "An act to amend and reduce to one act the several acts relating to buildings in the city of New York, passed May fourth, eighteen hundred and sixty-six, May seventeenth, eighteen hundred and sixty-seven, and May sixth, eighteen hundred and sixty-eight," passed April twentieth, eighteen hundred and seventy-one, is hereby amended so as to read as follows:

Dwelling
houses,
thickness
of walls
prescribed.

§ 5. In all dwelling-houses that may hereafter be erected not more than fifty-five feet in height, the walls shall not be less than twelve inches thick, and if above fifty-five feet in height, and not more than eighty feet in height, the outside walls shall not be less than sixteen inches thick to the top of second story floor beams; provided the same is twenty feet above the curb level, and if not, then to underside of the third story beams, and also provided that portion of the wall that is twelve inches thick shall not exceed forty feet above the said sixteen inch wall; and in every dwelling-house hereafter erected more than eighty feet in height, four inches shall be added to the thickness of the wall for every fifteen feet or part thereof that is added to the height of the building. All party walls in dwellings over fifty-five feet in height shall not be less than sixteen inches in thickness.

Party
walls.

§ 2. Section six of said chapter is hereby amended so as to read as follows:

Bearing
walls in
buildings
other than
dwellings,
thickness,
&c., of.

§ 6. In all buildings other than dwellings hereafter erected, the bearing walls shall not be less than twelve inches thick to the height of forty feet above the curb level; if above forty feet in height and not more than fifty-five feet in height, the bearing walls shall not be less than sixteen inches thick; if above fifty-five feet and not more than seventy feet in height, the bearing walls shall not be less than twenty inches thick, to the height of twenty feet above the curb level or to the next tier of floor beams above, and not less than sixteen inches from thence to the height of fifty-five feet above the curb level or the next tier of floor beams, and not less than twelve inches thick from thence to the top; and if above seventy feet and not more than eighty-five feet in height, the bearing walls shall not be less than twenty-four inches thick to the height of twelve feet above the curb level or the second story floor beams, and from thence to the height of sixty feet above the curb level, the said walls shall not be less than twenty inches thick, and from thence to the top not less than sixteen inches thick; and if above the height of eighty-five feet, the bearing

walls shall be increased four inches in thickness for every fifteen feet, or part thereof, that shall be added to the height of said wall above the eighty-five feet. In all buildings over twenty-five feet in width, and not having either brick partition walls or girders supported by columns running from front to rear, the walls shall be increased an additional four inches in thickness, to the same relative thickness in height as required under this section for every additional ten feet in width of said building, or any portion thereof. It is understood that the amount of materials specified may be used either in piers or buttresses, provided the outside walls between the same shall in no case be less than twelve inches in thickness to the height of forty feet, and if over that height, then sixteen inches thick; but in no case shall a party wall between the piers or buttresses of a building be less than sixteen inches in thickness. In all buildings hereafter erected, situated on the street corner, the bearing wall thereof (that is, the wall on the street upon which the beams rest) shall be four inches thicker in all cases than is otherwise provided for in this act. All walls other than bearing walls may be four inches less in thickness than required in the clauses and provisions of this section above set forth, provided no wall is less than twelve inches in thickness.

Buildings
on street
corner.

§ 3. Section seven of said act is hereby amended to read as follows:

§ 7. Every building hereafter erected, more than thirty feet in width, except churches, theaters, school-houses, car stables and other public buildings shall have one or more stone or brick partition walls running from front to rear, or iron or wooden girders supported on iron or wooden columns; these walls shall be so located that the space between any two of the bearing walls shall not be over twenty-five feet. In case iron or wooden girders supported on iron or wooden columns are substituted in place of the partition walls, the building may be seventy-five feet in width but not more; and if there should be substituted iron or wooden girders supported on iron or wooden columns, in place of partition walls, they shall be made of sufficient strength to bear safely the weight of two hundred and fifty pounds for every square foot of the floor or floors that rest upon them, exclusive of the weight of material employed in their construction, and shall have a footing course and foundation wall not less than sixteen inches in thickness with inverted arches under and between the columns, or two footing courses of large, well shaped stone, laid crosswise edge to edge, and at least ten inches thick in each course, the lower footing course to be not less than two feet greater in area than the size of the column; and under every column, as above set forth, a cap of cut granite at least twelve inches thick and of a diameter twelve inches greater each way than that of the column, and must be laid solid and level to receive the column. Any building that may hereafter be erected in an isolated position, and more than one hundred feet in depth, and which shall not be provided with cross walls, shall be securely braced, both inside and out, during the whole time of its erection, if it can be done; but in case the same cannot be so braced from the outside, then it shall be properly braced from the inside, and the braces shall be continued from the foundation upward to at least one-third the height of the building from the curb level.

Partition
walls and
girders.

Isolated
buildings.

§ 4. Section thirteen of said chapter is hereby amended to read as follows:

§ 13. All walls of any buildings over fifteen feet high shall be built up and extend at least twenty-four inches above the roof and shall be coped with stone or iron. If a mansard roof shall be placed upon any

Coping
and man-
sard roof.

building, except a wooden building over three stories in height exclusive of the said roof, the same shall be constructed fire-proof.

§ 5. Section sixteen of said chapter is hereby amended to read as follows :

Fire proof
doors,
blinds,
&c.

§ 16. All the stores or storehouses, or other buildings which are more than two stories or above twenty-five feet in height above the curb level, already erected, or that may hereafter be built in said city, except dwelling-houses or churches, shall have doors, blinds or shutters made of fire-proof metal, on every window and opening above the first story. When in any such building the shutters, blinds or doors cannot be put on the outside of such door or window, they shall be put on the inside, and if placed on the inside shall be hung upon an iron frame independent of the woodwork of the window frame or door ; and every such door, blind, or shutter shall be closed upon the completion of the business of each day by the occupant having the use or control of the same ; and all fire-proof shutters or blinds that now are or may hereafter be put upon the front or sides of any building on the street fronts, must be so constructed that they can be closed and opened from the outside above the first story. In any store or building in the city of New York in which there shall exist or be placed any hoist-way, elevator or well-hole, the openings thereof through and upon each floor of said building shall be provided with and protected by a substantial railing and such good and sufficient trap-doors with which to close the same as may be directed and approved by the superintendent of buildings ; and such trap-door shall be kept closed at all times except when in actual use by the occupant or occupants of the building having the use and control of the same ; and all openings in any such buildings above the first story which may open upon a street, and all openings in buildings used or occupied for school-houses or offices exclusively, may be exempted from the provisions and requirements of this section in the manner as hereinafter provided.

Hoist-
ways,
how pro-
tected,
&c.

§ 6. Section seventeen of the said act is hereby amended to read as follows :

Chimneys,
flues, &c.,
how con-
structed.

§ 17. All chimneys and all flues in stone or brick walls in any building hereafter erected, altered or repaired, without reference to the purpose for which they may be used, shall have the joints struck smooth on the inside, and no parging mortar shall be used on the inside ; and the fire backs of all chimneys hereafter erected shall not be less than eight inches in thickness. And no tin or other metal flue or flues, pipe or pipes, or register box or boxes, of a single thickness of metal, used or intended to be used to convey heated air in any building hereafter built, altered or repaired in any part of said city, shall be allowed unless the same shall be built in a wall of brick or stone ; in all other cases the said flue or flues, pipe or pipes, register box or boxes, shall be made double, that is, two pipes, one inside the other, at least one-half inch apart and the space between the pipes shall be filled with plaster of paris ; and no wooden furring or lath shall be placed against any flue, metal pipe or pipes used to convey heated air or steam in any building ; and when any wall shall hereafter be furred or lathed with wood, the space between the lathing and wall shall be filled with plaster between the top and under side of the floor beams of each story so as to prevent fire from extending from one floor to another. And no air flue shall be used at any time as a smoke flue. No steam pipe shall be placed within two inches of any timber or wood work as aforesaid ; when the said space of two inches around the steam pipe is objectionable, it shall be protected by a soap stone or an earthen ring or tube. No base,

Steam
pipes

or flooring or roofing, or any other woodwork shall be placed against any brick or other flue until the same shall be well plastered with plaster of paris behind such woodwork. All flues in any building shall be properly cleaned and all rubbish removed, and the flues left smooth on the inside upon the completion of all such buildings as aforesaid. No chimney shall be started or built upon any floor or beam, and in no case shall the breast of a chimney project more than eight inches from the wall. All chimneys which are corbelled out from the walls as above described, shall be supported by five courses of brick; but if supported by piers, the said piers shall start from the foundation on the same line with the chimney breast, and shall not be less than sixteen inches on the face. All hearths shall be supported by arches of stone or brick, and no chimney in buildings already erected or hereafter to be built, shall be cut off below in whole or in part and supported by wood, but shall be wholly supported by stone, brick or iron, and all chimneys in any building or buildings as aforesaid, already erected or hereafter to be erected or built, or any other chimney or chimneys in any part of the said city which shall be dangerous in any manner whatsoever, shall be repaired and made safe or taken down. And the flues of all furnaces and boilers shall be constructed in such manner as the superintendent of buildings shall direct.

§ 7. Section twenty-eight of the said act is hereby amended to read as follows:

§ 28. Any dwelling-house now erected, or that may hereafter be erected more than two stories in height, occupied by, or built to be occupied by two or more families, on any floor above the first, and all buildings now erected, or that may be hereafter erected, more than four stories in height, occupied by, or built to be occupied by three or more families, above the first story, and any building already erected, or that may hereafter be erected more than three stories in height, occupied or used, or built to be occupied or used as a hotel, boarding or lodging-house, or on any factory, mill, offices, manufactory or work-shop, in which operatives are employed, on any of the stories above the first story, and all buildings in an isolated position already erected, or that may hereafter be erected, more than three stories in height, built to contain or that does contain or is occupied by three or more families above the first story shall be provided with such fire escapes, alarms and doors as shall be directed by the superintendent of buildings; and the said superintendent shall have the power in determining the method of constructing the halls, stairways, ceilings, cellars, flues, furnaces, fire-places and heaters in all dwellings hereafter erected in said city. And the owner or owners of any building upon which any fire-escapes may now be, or may hereafter be erected, shall keep the same in good repair and well painted, and no person shall at any time place any incumbrance of any kind whatsoever upon any said fire-escapes now erected, or that may hereafter be erected in said city.

§ 8. Section thirty-one of said act is hereby amended so as to read as follows:

§ 31. The department of buildings named under this act shall have full power in passing upon any question relative to the mode, manner of construction or materials to be used in the erection, alteration or repair of any building in the city of New York, where the same is not specially provided for herein, to make the same conform to the true intent, meaning and spirit of the several provisions hereof; and shall also have discretionary power, upon application therefor, to modify or vary any of the several provisions of this act to meet the requirements

Fire es-
capes,
alarms,
&c.

Depart-
ment of
buildings,
powers of.

Certifi-
cate.

Board of
examin-
ers.

Meetings
of board.

Compensation.

Proviso.

Officers of
building
depart-
ment,
their qual-
ifications,
&c.

Superin-
tendent of
buildings.

of special cases where the same do not conflict with the public safety and the public good, so that substantial justice may be done; but no such deviation shall be permitted except a record of the same shall be kept by said department and a certificate be first issued to the party applying for the same; such certificate shall be issued only upon an application setting forth the facts, sworn to by the applicant, and after said application shall have been passed upon favorably by a board of examiners consisting of the superintendent of buildings, a member of the examining committee of New York Chapter of the American Institute of Architects, one of the ex-presidents of the New York Board of Underwriters, and two members of the Mechanics and Traders Exchange of said city, one of the latter of whom shall be a master carpenter and one a master mason, all of whom, except the said superintendent, shall be selected by their respective organizations, and so certified by the proper officers to the said superintendent; no application shall be considered as passed by said board unless the same receive three affirmative votes; no member of said board shall pass upon any question in which he is pecuniarily interested. The said board shall meet upon notice from the said superintendent who shall be chairman of the board, and the chief clerk of said department shall act as clerk of said board, and shall keep a record of its proceedings, which shall be filed in the office of said department. The members of said board, excepting said superintendent, shall each be entitled to and shall receive ten dollars for each attendance at a meeting of said board, to be paid by the comptroller of the city of New York from the contingent fund of said department upon the voucher of said superintendent, but in no case shall they be entitled to receive compensation for more than two meetings in any one month. And provided further that no permit for the erection of any structure on any wharf, pier or bulk-head shall be issued by the superintendent of buildings, except by and with the approval of the said board of examiners.

§ 9. Section forty-two of said act is hereby amended so as to read as follows:

§ 42. All the officers of said department, except the attorney, clerks and messengers, shall be either practical architects, house carpenters or masons, and shall have served a regular apprenticeship as such, and shall make an affidavit to that effect, which shall be filed in the office of said department, and shall before their appointment to office in said department pass an examination before the board of examiners named in this act, and shall furnish a certificate of such examination from said board certifying to their competency to perform the duties of the said office. The superintendent and deputy superintendent of buildings before their appointment to office shall pass an examination before a committee on examination, appointed by the New York Chapter of the American Institute of Architects of the said city, and shall furnish a certificate of such examination, signed by said committee certifying to their knowledge and competency to perform the duties of such office. Nothing in this section shall be construed to require any of the present officers of said department to pass the examination required in this section.

§ 10. The same person nominated by the mayor of the city of New York, on the fifteenth day of May, eighteen hundred and seventy-three, and confirmed by the board of aldermen of said city, on the sixteenth day of May, eighteen hundred and seventy-three, as commissioner of buildings, shall be superintendent of buildings named in this act and in the act to which it is an amendment, which said superintendent shall

hold office for the full term for which said commissioner was appointed, and shall receive a salary of six thousand five hundred dollars per annum.

§ 11. The department of buildings in the city of New York as heretofore created under chapter three hundred and thirty-five of the laws of eighteen hundred and seventy-three, shall continue and remain in force, and shall have charge of enforcing the several provisions of this act, and the act to which it is an amendment. Each and all the powers and duties of said department and all its officers and employees and subordinates, and their qualifications shall continue as enacted by and exercised under chapter six hundred and twenty-five of the laws of eighteen hundred and seventy-one, excepting as modified or repealed by this act. Present department of buildings to continue.

§ 12. There shall be three bureaux in said department of buildings: Bureaux.
1. A bureau of inspection of buildings. 2. A bureau of violations and applications. 3. A bureau of fire escapes and iron work. The said superintendents shall regulate the powers and duties of said bureaux, and appoint the chief officers thereof, as well as all subordinate officers and employees in said department.

§ 13. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 14. This act shall take effect immediately.

Chap. 548.

AN ACT to amend an act entitled "An act to incorporate the New York and Canada Bridge and Tunnel Company," passed May fourth, eighteen hundred and seventy-two.

Passed May 22, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section fifteen of the act entitled "An act to incorporate the New York and Canada Bridge and Tunnel Company," passed May fourth, eighteen hundred and seventy-two, is hereby amended to read as follows:

§ 15. If said bridge or tunnel be not commenced within four years and completed within seven years, said corporation shall thenceforth cease; but nothing contained in said act shall be construed to authorize the construction of a bridge below Niagara Falls. Time for commencing and completing bridge.

Chap. 549.

AN ACT to provide for the planting and protection of oysters in those portions of the Great South bay, lying in the town of Islip, Suffolk county, wherein the taking of clams cannot be profitably followed as a business.

Passed May 22, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for any inhabitant of the town of Islip, Any inhabitant of Islip in Suffolk county, of full age and having resided in said town for one

- may locate lot. year next preceding, by and with the consent of the oyster commissioners hereinafter named, and upon complying with the provisions of this act hereinafter contained, to locate a lot not to exceed four acres in extent under the public waters of the Great South bay in said town, and he shall be entitled to and shall have the exclusive ownership and property in all oysters upon said lot, and the exclusive right to use the said lot for the purposes aforesaid.
- Ownership of oysters thereon. Oyster commissioners to be appointed. § 2. For the purpose of ascertaining and determining what portion or portions of said bay may be taken for the purpose of planting oysters as aforesaid, a board of commissioners, consisting of one from each of the three election districts of said town as now constituted, whose official title shall be "Oyster Commissioners," shall be appointed by the board of town auditors of said town, or a majority of them. The first appointment to be made within twenty days after the passage of this act, and when so appointed they shall hold office until the next annual town meeting, and their successors in office shall annually be appointed in the same manner on the Tuesday immediately preceding every annual town meeting. Such appointment shall be certified in writing by said auditors, or a majority of them, and filed with the town clerk of said town; and it shall be the duty of said town clerk forthwith to notify every person so appointed of such appointment.
- Term of office. Official oath. § 3. Every person appointed to the office of oyster commissioner, before he enters upon the duties of his office, and within ten days after he shall be notified of his appointment, shall take and subscribe the oath of office prescribed by the Constitution, and shall execute, in the presence of the supervisor or town clerk of said town, a bond in the penalty of not less than two hundred dollars, with one or more sufficient sureties, to be approved of by such supervisor or town clerk, conditioned for the faithful performance of his duties as such commissioner, which bond shall be filed in the office of such town clerk.
- Bond. Refusal to serve. § 4. If any person appointed as such commissioner shall not take and subscribe such oath and file such bond as herein provided, such neglect shall be deemed a refusal to serve.
- Vacancy, how filled. § 5. If any person appointed to the office of oyster commissioner shall refuse to serve, or shall die, or resign, or remove out of the town, or become incapable of serving before the Tuesday next preceding the next annual town meeting after he shall have been appointed, the said board of town auditors shall, within ten days after the happening of such vacancy, supply the same as hereinbefore provided.
- Commissioners to locate lot. § 6. It shall be the duty of said commissioners, or a majority of them, on application of any such inhabitant, as aforesaid, to attend and locate a lot for him, which shall be clearly marked and defined by means of stakes or otherwise, as a notice to the public that it has been selected for the purposes aforesaid. And it shall be the duty of said commissioners to procure or cause to be made, all surveys and maps which they may deem necessary for defining the portions of said bay, which may be allotted for the purposes aforesaid, describing thereon the lots which may be located under this act, and to file copies of all such surveys and maps in the office of the town clerk. On all questions which may arise under this act as to the location of lots, or the boundaries thereof, or the portions of said bay which may be allotted for the purposes aforesaid, the decision of the said commissioners, or a majority of them, shall be final and conclusive. On payment by any such applicant of the expense of locating his lot, which shall be determined by the said commissioners, but shall in no case exceed the sum of ten dollars, and the additional sum of one dollar per acre as yearly rent,
- Surveys and maps. Expenses of location and yearly rent.

they, or a majority of them, shall give to such applicant a certificate showing that he has, by their consent, located a certain lot, and particularly describing said lot, and stating the amount of the charges and rental paid therefor, which certificate shall entitle the person named therein to the possession of said lot for the purposes of this act, so long as he shall keep the said lot clearly defined. But if such person shall neglect to plant his lot with at least one hundred bushels of oysters and shells during the period of one year from the date of his certificate, or shall neglect to pay said yearly rent on or before the first day of April in each and every year, his right to the possession of the said lot may be terminated at the option of a majority of said commissioners, and in case such right of any person shall be terminated by the decision of said commissioners as aforesaid, a written certificate of such fact shall be filed with the said town clerk. A duplicate of every certificate consenting to the location of any lot as aforesaid shall also be filed by said commissioner with the said town clerk, who shall enter the name of the person entitled thereto, and the sum or sums specified therein, in a book to be procured and kept by him for that purpose.

Certificate of location.

When right to possession may be terminated.

Certificate of the fact.

§ 7. Each of said commissioners shall be allowed the sum of five dollars per day for his services actually rendered under this act, the same to be paid only out of the fund received for locating lots pursuant to section six of this act, and shall not receive therefor any additional fees or compensation from any person or persons whomsoever, and each of said commissioners shall, at the usual annual auditors' meeting of said town, account for and pay over all moneys in his hands to the said board of auditors; and the said auditors shall audit the accounts of the said commissioners at the same time and in the same manner as those of other town officers; and shall pay all proper charges for services rendered under and by virtue of the provisions of this act out of the moneys so received, and shall pay the balance, if any, to the supervisor of said town, to be credited on its contingent fund. But no fees or salary allowed any commissioner named under this act shall be a charge upon or be paid by the said town of Islip.

Compensation of commissioners.

Commissioners to account.

Balance to be paid to supervisor.

§ 8. It shall not be lawful for any person to retain possession of any such lot after he shall cease to be a resident of said town of Islip; but he may sell and assign his interest in any such lot to any inhabitant of said town who has been a resident thereof for one year; but no person shall acquire possession of more than one lot by purchase or otherwise.

Interest in lots assignable.

§ 9. Any person, other than the one who planted the oysters, or his legal representatives, who shall take any oysters from a lot thus marked out and occupied, as above provided, or who shall oyster on any such lot or in any way disturb the same, shall be liable for a penalty of fifty dollars for each offense, to be recovered by the owner of the oysters or his legal representatives, in any action brought before any justice of the peace of said town, and shall also be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not over one hundred dollars, or imprisonment in the county jail for not more than sixty days, or by both such fine and imprisonment.

Penalty for taking oysters from such lots, &c.

Misdemeanor.

Punishment.

§ 10. Any person prosecuted for a penalty under this act may be arrested and held to bail in the same manner as upon warrants issued by justices of the peace; and whenever a hearing shall be had for any violation of the provisions of this act, execution shall be issued thereon immediately in the same manner and with like effect as is provided in section one hundred and forty-three, article nine, title four, chapter two, third part of the Revised Statutes, and all the provisions of said section shall apply to executions issued pursuant to the provisions of this act.

Arrest and bail.

Execution.

Prefer-
ence in
designa-
ing lots.

§ 11. In designating oyster lots under this act the said commissioners shall give, and the present occupants of oyster beds planted under said act of March thirty-first, eighteen hundred and sixty-six, shall have the preference to their beds as planted by them upon said owners in other respects complying with the provisions of this act.

Repeal.

§ 12. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 13. This act shall take effect immediately.

Chap. 550.

AN ACT to amend an act entitled "An act to create a separate road district in the town of Middletown, county of Richmond," passed April twenty-fifth, eighteen hundred and sixty-six.

Passed May 22, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of chapter eight hundred and eighteen of the laws of eighteen hundred and sixty-six, and entitled "An act to create a separate road district in the town of Middletown, county of Richmond," is hereby amended as follows:

Commis-
sioner to
widen
roads, &c.

§ 5. And the said commissioner of highways shall have power, and he is hereby authorized to widen, alter, enlarge and lay out any and all roads now in use in said road district, to the width of three rods.

Supervis-
or may
borrow
money.

§ 2. The supervisor of the town of Middletown is hereby authorized to borrow, on the credit of the said town, any sums of money, not exceeding three thousand dollars, to be applied solely for the widening, working or any other improvements to be made upon the roads in the separate road district in said town, as defined in chapter eight hundred and eighteen of the laws of eighteen hundred and sixty-six.

Bonds
therefor.

§ 3. The supervisor of said town shall borrow such sum or sums of money to the amount and for the purposes mentioned in section two of this act, and give and execute bonds for the sum of one hundred dollars each therefor, on behalf of said town, payable with interest semi-annually at the rate of seven per cent. per annum; and the said bonds shall be payable one-fifth thereof in each year for the ensuing five years after the issue thereof, and shall be paid by taxes levied on the real and personal estate in said town, by the board of supervisors of the county of Richmond.

Interest.

Taxes.

§ 4. This act shall take effect immediately.

Chap. 551.

AN ACT to extend the provisions of chapter four hundred and eighty-nine of the laws of eighteen hundred and seventy-three, amending certain acts for the better security of mechanics and others erecting buildings in certain counties of this State, to the county of Erie, except the city of Buffalo.

Passed May 22, 1874.*

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The provisions of chapter four hundred and eighty-nine of the laws of eighteen hundred and seventy-three, amending certain acts for the better security of mechanics and others erecting buildings in certain counties in this State, are hereby extended and declared to be applicable to the county of Erie, except the city of Buffalo.

Lien laws
extended
to Erie
county.

§ 2. This act shall take effect immediately.

Chap. 552.

AN ACT to rectify and correct certain boundaries of the first, second, third and fourth wards of Long Island City, so as to adjust and conform such boundaries to streets and avenues laid down on the commissioners' map of said city.

Passed May 22, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The first ward of Long Island City shall be bounded as follows, namely: Beginning at the intersection of the center line of Newtown creek, with the westerly boundary line of said city in the East river, running thence northerly along the westerly boundary line of said city to the center line of Nott avenue; thence easterly along the center line of Nott avenue to the center line of the canal; thence southerly along the center line of the canal to the center line of Dutch Kills creek; thence southerly along the center line of Dutch Kills creek to the southerly line of said city through the center of Newtown creek; and thence westerly along the southerly boundary line of said city, and through the center of Newtown creek, to the point or place of beginning.

First ward
bounda-
ries.

The second ward of said city shall be bounded as follows, namely: Beginning at the intersection of the center line of Newtown creek with the center line of Dutch Kills creek, running thence northerly along the center line of Dutch Kills creek to the center line of the canal; thence northerly along the center line of the canal to the center line of Nott avenue; thence westerly along the center line of Nott avenue to the center line of Jackson avenue; thence northeasterly along the center

Second
ward.

* Certified by the presiding officer of the Assembly, as having passed the Assembly, "three-fifths being present."

line of Jackson avenue to the easterly boundary line of said city ; thence southerly along the easterly boundary line of said city to the southerly boundary line of said city at the center of Newtown creek ; and thence westerly along the southerly boundary line of said city, and through the center of Newtown creek, to the point or place of beginning.

Third
ward.

The third ward of said city shall be bounded as follows, namely: Beginning at the intersection of the center line of Nott avenue with the westerly boundary line of said city in the East river, running thence northerly along the westerly boundary line of said city to its intersection with the center line of Broadway ; thence easterly along the center line of Broadway to the center line of Sherman street ; thence southerly along the center line of Sherman street to the center line of Pierce avenue ; thence easterly along the center line of Pierce avenue to the center line of Lockwood street ; thence southerly along the center line of Lockwood street to the center line of Webster avenue ; thence easterly along the center line of Webster avenue to the center line of Jackson avenue ; thence southwesterly along the center line of Jackson avenue to the center line of Nott avenue ; and thence westerly along the center line of Nott avenue to the point or place of beginning.

Fourth
ward.

The fourth ward of said city shall be bounded as follows, namely: beginning at the intersection of the center line of Broadway, with the westerly boundary line of said city in the East river, running thence northerly along the westerly boundary line of said city to its intersection with the center line of Franklin street ; thence easterly along the center line of Franklin * to the center line of Flushing avenue ; thence easterly along the center line of Flushing avenue to the easterly boundary line of said city ; thence southerly along the easterly boundary line of said city to the center line of Jackson avenue ; thence southwesterly along the center line of Jackson avenue to the center line of Webster avenue ; thence westerly along the center line of Webster avenue to the center line of Lockwood street ; thence northerly along the center line of Lockwood street to the center line of Pierce avenue ; thence westerly along the center line of Pierce avenue to the center line of Sherman street ; thence northerly along the center line of Sherman street to the center line of Broadway ; and thence westerly along the center line of Broadway to the point or place of beginning, as the said Dutch Kills creek and said canal, and the several streets and avenues aforesaid, are laid down and designated on the commissioners' map of Long Island city.

Repeal.

§ 2. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

§ 3. This act shall take effect immediately.

* So in the original.

Chap. 553.

AN ACT to amend an act entitled "An act to authorize the construction of a railway and tracks in the towns of West Farms and Morrisania," passed May second, eighteen hundred and sixty-three.

Passed May 22, 1874.*

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section eight of an act entitled "An act to authorize the construction of a railway and tracks in the towns of West Farms and Morrisania," passed May second, eighteen hundred and sixty-three, is hereby amended to read as follows :

§ 8. It shall be lawful, and the corporation formed under this act is hereby authorized, to lay single or double tracks, and use and operate the same, through and along St. Ann's avenue to its southern terminus, and through and along Van Stoll street, otherwise known as One Hundred and Thirty-eighth street, from Third avenue to the Harlem river; and also through and along College avenue, from Kingsbridge road to its intersection with the road known as Fordham and Pelham avenue, and through and along said last-named avenue to Pelham bridge in the town of Westchester; and also from the present terminus of the tracks of the said corporation at or near Locust avenue, in the late town of West Farms, through and along the main road, leading in an easterly direction to the point where the said main road intersects the Westchester turnpike, in the said town of Westchester. But no greater fare than five cents per mile for any distance, in addition to the fare authorized by section five of the act hereby amended, shall be charged on either of the tracks of said corporation authorized by this act.

Route of
railroad.

Fare.

§ 2. This act shall take effect immediately.

Chap. 554.

AN ACT to amend section one of "An act to amend an act entitled 'An act to establish a department of police in the city of Buffalo and to provide for the government thereof,' passed April twenty-six, eighteen hundred and seventy-one," passed March fifteenth, eighteen hundred and seventy-three.

Passed May 22, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of "An act to amend an act entitled 'An act to establish a department of police in the city of Buffalo and to provide for the government thereof,' passed April twenty-six, eighteen hun-

* Certified by the presiding officer of the Assembly as having passed the Assembly, "three-fifths being present."

dreced and seventy-one," passed March fifteenth, eighteen hundred and seventy-three, is hereby amended so as to read as follows:

§ 1. Section twenty-two of an act entitled "An act to establish a department of police in the city of Buffalo, and to provide for the government thereof," passed April twenty-six, eighteen hundred and seventy-one, is hereby amended so as to read as follows:

Justices to the police to be appointed annually.

Their duties and powers.

Bond.

Salaries.

Board to designate station houses, &c.

Removal from office.

§ 22. The board of police shall in the first week in January in each year designate and appoint from the acting justices of the peace elected in and for the city of Buffalo, or elected in and for any ward in, or any part of said city of Buffalo, not exceeding five justices to the police for the trial and disposition of the cases of persons who shall be confined in the several station-houses. The justices of the police heretofore appointed by said board and now acting, shall continue as such justices to the police until others shall be appointed by said board in their stead. One of said justices shall attend at each of the station-houses every morning, at the hour prescribed by the board of police and examine into the case of every person confined therein, and make delivery. Said justices shall have power to try cases of drunkenness, vagrancy and all other offenses against any of the laws of the State, or the ordinances of the city of Buffalo, which may be tried summarily and without a jury, by a justice of the peace or court of special sessions, committed by any person, he shall find confined in the station-house, and to sentence every person found guilty of any such offense pursuant to the statute or ordinance creating such offense. In all other cases such justices to the police shall have and possess the same powers and jurisdiction as are prescribed in section ten of an act entitled "An act to revise the charter of the city of Buffalo," passed April twenty-eight, eighteen hundred and seventy, and shall proceed in all respects in the manner prescribed in such title. Each of such justices to the police shall execute a bond with sufficient surety, to be approved by said board for the faithful performance of his duty, and for the accounting and paying over all fines and penalties received by him, in such sums as the said board shall require, which bonds shall be in the name of the board of police of the city of Buffalo, as the obligee therein, and all suits or actions brought on said bonds shall be in the name of said board. The salaries of said justices to the police shall be fixed by the said board before appointment, and shall not exceed a salary at the rate of eight hundred dollars annually for services in attending the station-house now known as number one, and not exceeding a salary at the rate of four hundred dollars annually for services in attending at each of the other station-houses and sub-station-houses, which salaries shall be paid monthly, and shall not be increased or diminished during the year for which they were fixed by the said board. During the term of office of such justices to the police, the said board shall, from time to time designate at which station-house or houses, sub-station-house or houses the said justices, or either of them, shall attend; and at any time during said term of office the said justices, or either of them, may be transferred from one station-house to another, at the pleasure of the said board. Said board may, at pleasure, remove either of said justices to the police from office and appoint another justice of the peace in his stead, and may for cause suspend either of said justices to the police from pay and duty, not exceeding thirty days at any one time; and in case of such suspension, or of the absence or inability of any of the justices to the police, may appoint another justice of the peace to perform his duties during the time of such suspension, absence or inability; and the person so temporarily appointed shall

have all the powers and perform all the duties of justices to the police under this act. All fines and penalties imposed by any or either of said justices to the police, collected by them or otherwise, shall be paid over every week to the treasurer of the board of police.

§ 2. This act shall take effect immediately.

Chap. 555.

AN ACT to amend an act entitled "An act to incorporate the Evangelical Lutheran St. John Orphan's Home in the city of Buffalo," passed April fourteen, eighteen hundred and sixty-five.

Passed May 22, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The first section of an act entitled "An act to incorporate the Evangelical Lutheran St. John Orphan's Home in the city of Buffalo," passed April fourteen, eighteen hundred and sixty-five, is hereby amended so as to read as follows:

§ 1. Christian Voltz, Jacob H. Koons, George Kney, Andrew Grass, Corporat-
Daniel Long, Anton Hesselback, Jacob Reiman, Charles Sauer, Freder-
rick Wuest and such persons as shall or may hereafter, by a majority
of said named persons, be elected members of such board, are hereby
constituted a body corporate, by the name and style of "The Evan- Corporate
gelical Lutheran St. John Orphan's Home of the city of Buffalo," for name.
the purpose of establishing and maintaining in the city of Buffalo an Object.
institution as a home for friendless and destitute orphans. Said cor-
poration may also have and maintain an institution in the town of Instit-
West Seneca, in Erie county, of the character and for the purposes tion in
mentioned in this section, and for those purposes may take and hold West
real and personal property, as provided in the next section of this act. Seneca.
The title to the property already acquired by said corporation in said Title con-
town of West Seneca is hereby ratified and confirmed. firmed.

§ 2. This act shall take effect immediately.

Chap. 556.

AN ACT to enable the towns of East Chester and Pelham in the county of Westchester to purchase and obtain lands for the improvement of East Chester creek.

Passed May 22, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The supervisor of the town of East Chester, the super- Board of
visor of the town of Pelham, and Beekman Van Gaasbeck of the village commis-
of Mount Vernon, in the county of Westchester, and their successors sioners.
in office, are hereby constituted a board of commissioners for the improve-
ment of East Chester creek, a tidal stream or arm of the sea, flowing
between and dividing the towns of East Chester and Pelham in the
county of Westchester, with full power and authority, on behalf of the
towns of East Chester and Pelham, to aid the government of the

United States, in the manner hereinafter provided, in the work of straightening and widening said creek and improving the same as an easement between the town dock and the swimming place or old landing place on said creek, or to such other point as the United States authorities shall direct said creek to be widened, straightened or improved.

May purchase land.

Title, how acquired.

§ 2. The said board are hereby authorized to purchase and obtain on behalf of said towns of East Chester and Pelham, such lands as may be necessary to be used for the straightening and widening of said creek in accordance with the surveys for that purpose, made under and pursuant to the authority of the government of the United States, and in case the said board cannot agree with the owner or owners of the land required for such purpose upon the price to be paid therefor, or are unable to contract in relation thereto by reason of the legal incapacity of such owners or any of them to enter into a contract for the sale of such lands, or by reason of the absence of such owners or any of them from the State, then the said board are hereby authorized to acquire title to said land for the purposes aforesaid, and to enter into, take possession of and condemn the same for such purposes, in the same manner and by the like proceedings as are made and provided for by chapter one hundred and forty of the laws of eighteen hundred and forty-eight, entitled "An act to authorize the formation of railroad corporations," and the several acts amending the same so far as the same are not inconsistent with this act.

Vacancy, how filled.

Compensation.

Account.

Account to be audited.

Board of supervisors to levy the amount.

Warrant for collections.

§ 3. Any vacancy in said board caused by the death, resignation or refusal to act of the said Beekman Van Gaasbeck shall be filled by the remaining members of the board, and any vacancy therein occasioned by the death or resignation of either of the supervisors, shall be filled by his successor in the office of supervisor. Each member of said board shall receive three dollars per day for each day's actual service as a member thereof, and the said board shall render an account to the board of supervisors of the county of Westchester of such services, and of all disbursements and expenditures by them made, and of all necessary expenses incurred or contracted in procuring said land or ascertaining the ownership thereof, and of all amounts necessary to be raised to pay for the land taken for such improvement and for such services, disbursements and expenses, which account shall be verified by the oath of a majority of the members of said board; and the amount of such services and of all disbursements, indebtedness or liability for such expenses shall be audited by said board of supervisors.

§ 4. The said board of supervisors shall cause the amount of such services, disbursements and expenses, together with the amount required to pay for such land, to be levied upon the taxable property of the towns of East Chester and Pelham, in proportion to the assessed value thereof as contained in the assessment rolls submitted to the said board of supervisors at the same session with said account, and the warrant of said board shall direct the collector of taxes of the town of Pelham to collect and receive the amount to be levied on said town, and shall direct the receiver of taxes of the town of East Chester to collect and receive the amount to be levied on said town in the same manner as other taxes are directed to be levied, and such collector and receiver shall collect such amounts and pay the same to the respective supervisors of said towns, who shall thereupon pay the same to the persons or to their legal representatives entitled to receive the same according to such account so rendered to and audited by said board of supervisors.

§ 5. This act shall take effect immediately.

Chap. 557.

AN ACT to amend an act entitled "An act to provide for a supply of water in the city of Yonkers," passed February twenty-eighth, eighteen hundred and seventy-three.

Passed May 22, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section ten of the act entitled "An act to provide for a supply of water in the city of Yonkers," passed February twenty-eighth, eighteen hundred and seventy-three, is hereby amended so as to read as follows:

§ 10. In case of disagreement between the said board of water commissioners and the owner of any property which may be required for the purposes aforesaid, or affected by any operation connected therewith as to the amount to be paid to such owner, or in case the said commissioners shall elect to have the damages to be sustained by or moneys to be paid to the owner of any land or privilege to be taken, or person or corporation interested in any stream of water to be diverted for the purposes of this act, assessed and ascertained by commissioners as herein provided, without first endeavoring to agree with such owner, person or corporation, or in case such owner shall be an infant, or married woman, or insane, or absent from this State, or unknown, or the owner of a contingent or uncertain interest, the Supreme Court, at any special term within the second judicial district, shall, on the application of said board of water commissioners, after three weeks' notice of such application, published in the official city newspapers of said city once in each week, nominate and appoint three disinterested persons commissioners of estimate for the whole or each, or any case of disagreement, or in which property, rights and interests are to be taken, to examine such property, who, upon being duly sworn faithfully and impartially to discharge their duties as such commissioners, shall estimate and report to said court at special term in said district, for confirmation, the several sums which, in their opinion, will be a just compensation to such owners or persons or corporation respectively, for the appropriation to the purposes of this act of any property which may be required, or for the use or title of any such property, or for taking and diverting any stream of water, pond or spring. Such commissioners of estimate shall file their oath of office in the office of the board of water commissioners, and give public notice of their first meeting by publishing a notice thereof in the official city newspapers published in said city, once a week for two weeks successively, before such meeting, and may then adjourn from time to time without further notice, and may examine witnesses on hearings before them, which testimony shall be reduced to writing and subscribed by the witness, and for such purpose such commissioners, or any of them, shall have power to administer oaths. All evidence taken before them shall accompany their report. The report of said commissioners of estimate, when completed, shall be deposited in the office of the board of water commissioners for public inspection. The said commissioners of estimate shall then cause a notice to be published in the official city newspapers that the report has been so completed and deposited for examination by the

When supreme Court shall appoint commissioners of estimate.

Notice of application.

Commissioners to be sworn. To report.

Oath of office to be filed. Notice of first meeting.

Proceedings.

Report to be deposited for examination.

Notice.

Objections.

Review of report.

Presenting report for confirmation.

Proceedings if report not confirmed.

parties interested, and that they will meet at a time and place therein to be specified, not less than ten days from the first publication of such notice, to review their report. During that time the said report may be examined free of expense by all interested, and at the time and place so specified any such person may offer objections in writing to the said report. The said commissioners shall thereupon, or as soon as conveniently may be thereafter, review their said report, and correct the same if they shall deem proper, and shall then file the same in the office of the board of water commissioners. And the said board of water commissioners may, after the final completion and filing of said report, after publishing a notice for three successive weeks in the official city newspapers published in said city of their intention so to do, present the same for confirmation to the Supreme Court at any special term thereof held in the second judicial district. No other papers shall be read by either party upon the application to confirm such report than the evidence and objections taken before said commissioners, which shall accompany such report. Only such persons who shall have filed written objections shall be heard upon such application. The court may confirm the said report in whole or in part. In case such report shall not be confirmed by said court, as to one or more or all of such owners or parties interested, the said court shall, without notice, appoint the same or three other disinterested persons as commissioners of estimate, who shall proceed with reference to the owners or parties interested as to which such report shall not be confirmed in all respects as above specified, and all the provisions of this section shall apply to such new report and the confirmation thereof.

§ 2. Section eleven of said act is hereby amended so as to read as follows:

Certificate of intended application, &c.

§ 11. Before making application for the appointment of any such commissioners of estimate, and before publishing any notice of such application, the said board of water commissioners shall, by their president, make and execute a certificate of their intended application, in which shall be clearly stated and set out the pieces, parcels or lots of land, rights, privileges, stream or streams of water, ponds or springs, or other property which they shall elect to take, or which may be affected by the proceedings of said court or the commissioners of estimate by it to be appointed under such application, and shall deposit the same, together with a map showing the land to be taken, in the office of the board of water commissioners for public inspection, where they shall remain for two weeks after the first publication of such notice of application, and such certificate and map shall constitute a part of the report to the court by the commissioners of estimate. Each certificate and map and each application may embrace one or as many different pieces of lands, interests or property as the said board of water commissioners shall elect, and may affect the rights of one or as many persons or corporations as said board shall elect, and the said board may make as many separate and different certificates and maps as they shall deem proper.

§ 3. Section twelve of said act is hereby amended so as to read as follows:

Abandoned land.

Notice of abandonment and sale.

Sale.

§ 12. In case any piece or parcel of land shall be abandoned or discontinued by said board of water commissioners, the said board shall cause a notice to be published, once a week for three weeks, in the official city newspapers in said city, of their intention to abandon or discontinue such land, and of the time and place where and when it will sell the same together with the improvements thereon; and shall sell said land and the improvements thereon at auction to the highest bid-

der, in one or more parcels, as said board of water commissioners shall elect, and the city of Yonkers shall convey such land so purchased at such auction sale to the purchaser or purchasers thereof. The moneys so derived from such sale or sales shall go to the sinking fund for the retirement of the water bonds hereinafter provided for.

Convey-
ance.
Disposi-
tion of
proceeds.

§ 4. Section fifteen of said act is hereby amended so as to read as follows :

§ 15. Whenever any report of the commissioners of estimate shall have been confirmed by said court, the said water commissioners shall deposit as the said court may direct, or pay over to the owner, or such person as the court may designate, the sum mentioned, in said report, in full compensation for the property so required ; and thereupon the said city shall become seized in fee of such property, and said commissioners and said city shall be discharged from all claim by reason of any such appropriation or use.

Water
commis-
sioners to
deposit or
pay to
owners.

§ 5. Section sixteen of said act is hereby amended so as to read as follows :

§ 16. The common council of the city of Yonkers shall issue, as required by said board of water commissioners, the bonds of said city, to be known as water bonds, for a sum not exceeding six hundred thousand dollars, which shall bear an interest not exceeding seven per cent. per annum, payable semi-annually on the first day of April and October in each year. Said bonds shall be payable in sums of fifty thousand dollars in each year, commencing thirty years from April first, eighteen hundred and seventy-three, which bonds shall be signed by the mayor and city clerk of the city of Yonkers ; and a record thereof shall be kept in the city clerk's office in said city, and the bonds so issued shall be delivered to said water commissioners, to be sold by them at not less than par or nominal value, and the proceeds applied only to carry into effect the provisions of this act. Said bonds before being negotiable shall be countersigned by the president of the water board.

Common
council to
issue
bonds.
Interest.

Bonds,
when pay-
able.
How sign-
ed, re-
cord, &c.

§ 6. Section seventeen of said act is hereby amended so as to read as follows :

§ 17. Said board of water commissioners shall have power to make all necessary contracts for labor and materials in the construction of the work and all things pertaining thereto, which contracts shall be in writing, signed by a majority of the water commissioners, and of which three originals executed by the parties to be numbered with the same number ; one of which shall be given to the contractor, one filed with the clerk of the city of Yonkers, and one retained by the board of water commissioners ; three weeks' public notice shall be given in the official city newspapers published in said city as the commissioners shall direct, of the time and places at which sealed proposals will be received for entering into contracts ; and the board of water commissioners shall have full discretion as to the acceptance or rejection of any and all proposals, and in case any materials or labor shall then remain uncontracted for, the like notice for sealed proposals and the like proceedings may be had as above provided, and so from time to time as said commissioners may desire, to contract for work or materials ; and every person who shall enter into any contract for the supply of materials, or the performance of any work, shall give satisfactory security to said water commissioners for the faithful performance of his contract according to its terms. The said board shall have power to purchase materials and procure work to be done without contracting therefor, the cost of which shall not exceed five hundred dollars in any one case.

Water
commis-
sioners
may make
contracts.

Sealed
proposals,
notice of.

Security.

§ 7. Section nineteen of said act is hereby amended so as to read as follows :

Right to
use street,
&c.

§ 19. The said board of water commissioners, and all persons acting under their authority and direction, shall have the right to enter and use the ground or soil under any street, avenue, highway, road, square, or any other public ground within the county of Westchester, for the purpose of introducing water into and through all or any portions of the city of Yonkers, and in case of any such use the said board shall cause the surface of such street, avenue or highway, road, square, or other public ground, to be relaid and restored to its usual state, and all damages done thereto to be repaired : and such right shall be continuous, for the purpose of relaying or repairing water pipes.

§ 8. Section twenty of said act is hereby amended so as to read as follows :

Water
rents.

§ 20. The said board of water commissioners shall, after the introduction of water, for general use, establish a scale of rents, to be charged and paid to the said board of water commissioners from time to time, either in advance or at such time or times as the water commissioners shall prescribe, for the use and supply of water, to be called water-rents, on all classes of buildings in said city in which water shall be used ; and in the establishment of such scale of rents, said board shall have reference to the ordinary or extraordinary uses of said water for dwellings, stores, shops, hotels, factories, livery stables, wharves, barns, and all other buildings, establishments and trades, yards, number of families or occupants, or consumption of water for useful or ornamental purposes, as near as may be practicable, and from time to time either modify, amend, increase or diminish such rents. And such board of water commissioners may make and establish ordinances and regulations for enforcing the collection of water-rents and manner of using the water, and enforcing the observance of the same, by imposing fines and penalties, not exceeding one hundred dollars in any one case, to be collected by said board of water commissioners by action against the owner or occupant of the lot or building upon which such rent is charged, or person violating such ordinance, or by cutting off the use and supply of such water ; and their agents or employees shall be authorized, at all proper times, to enter into any place or building where water is used from the supply-pipes, to examine as to the water, quantity used, and manner of using it.

Regula-
tions for
collecting
rents.

Right of
entry.

§ 9. Section twenty-two of said act is hereby amended so as to read as follows :

Interest
upon
bonds, tax
for pay-
ment of.

Proviso.

Income,
how to be
applied.

§ 22. Prior to the introduction of water into the city for general use, the common council shall levy and assess upon the real and personal property of the city liable to taxation the amount of interest due or to become due during the ensuing year upon the water bonds issued in pursuance of this act, provided, however, that no tax shall be levied upon the taxable property in said city outside of the water district hereinafter provided for to pay any such interest falling due after the year eighteen hundred and seventy-five. The entire annual income from all sources, after deducting therefrom such sums as may be necessary to defray the expenses of repair of said water-works and of managing and using the same, and other necessary expenses, shall be applied toward the payment of the interest on the loans and toward the creation of a sinking fund for the payment of the principal of the loans as it shall from time to time become due and payable, which sinking fund shall be managed by said commissioners. After the introduction of water into the city for general use, said board of water

commissioners shall annually, on the first Monday in December in each year, report to the common council the amount of moneys received by them (from all sources), and the payments made by them for the support and maintenance of the water-works during the preceding year, and shall pay over to the treasurer of the city of Yonkers the balance remaining in their hands, to be applied by him to the payment of interest on the water bonds. In case the amount so reported and paid by the water commissioners should not be sufficient to pay the interest on the water bonds for the ensuing year, then the difference required to meet said interest shall be assessed by the common council of the city of Yonkers, on and become a lien upon and be collected from the real property, in front of and near which water-pipes shall be laid within the district to be supplied by water, the boundaries of which district shall from time to time be fixed by the common council, and shall be known as the "water district." The assessors of said city of Yonkers shall annually make an assessment roll of said real property in said "water district," for the use of the common council in assessing, levying and collecting said water tax, which shall be assessed, levied and collected in the same manner, as near as may be, as is or may be prescribed by the charter of the city of Yonkers for the assessment, levying and collecting of taxes within said city; but the same shall be assessed and collected by and upon a separate assessment roll, and by separate warrant, and by separate proceedings from the collection of general taxes; and the same proceedings shall be had by the common council for the sale of lands for the non-payment of any such water tax as is or may be prescribed in said charter for the sale of lands for the non-payment of taxes.

Annual report of commissioners, &c.

Interest, how paid if income not sufficient.

Assessment roll in water district, levying, &c., of taxes.

Sale of land.

§ 10. Section twenty-three of said act is hereby amended so as to read as follows:

§ 23. Ten years after the date of the bonds authorized to be issued under this act, the common council of the city of Yonkers shall, in addition to all other taxes, annually levy, assess and collect, from the taxable property within the city of Yonkers, two per cent. upon the amount of water bonds so issued, which amount, when collected, shall be paid to the board of water commissioners, to be used by it as a sinking fund for the retirement of said water bonds; and said board of water commissioners, upon the receipt of said amount, shall immediately advertise for proposals to sell to it for said sinking fund said water bonds to an amount sufficient to absorb the amount received from said tax, and shall accept the most favorable proposal, if deemed for the interest of the city; but in case none of said water bonds are offered to said sinking fund, or, if offered on terms not satisfactory, said board of water commissioners shall invest the amount so received either in the bonds of the United States or of the State of New York, or any bonds of the city of Yonkers. Any bonds issued under the provisions of this act, purchased by said board of water commissioners, shall be stamped as belonging to the sinking fund; but the commissioners shall collect the interest thereon as it becomes due, and invest the same in the same manner as the amount received from the proceeds of the tax. Any surplus income, after paying the necessary expenses of operating and maintaining the water-works and paying interest upon the water bonds issued therefor, shall in like manner be invested in said bonds or other bonds, as above provided for the investment of the money received from the direct tax; provided, however, that no tax as above provided shall be imposed for said sinking fund if the surplus, after paying all expenses and interest, at the end of the ten

Sinking fund, how created.

Application thereof.

Surplus income, how invested.

Proviso.

years or any succeeding year, should be equal to two per cent. of the amount of water bonds issued; and provided, further, that if the amount of said surplus moneys should not equal two per cent. of the whole amount of water bonds issued, then the difference between such surplus amount and the said two per cent. only shall be annually assessed and collected.

§ 11. Section twenty-four of said act is hereby amended so as to read as follows:

Statement
of water
commis-
sioners to
common
council.

§ 24. The said board of water commissioners shall annually, on the first Monday of December in each year, and at such other times as required by the common council of the city of Yonkers, deliver to them a detailed statement of all the accounts of said water commissioners, a general statement of all their work and the condition of their affairs and the state of their finances, including a full detail of the amount received from all sources, and the amount expended in the progress of the work, and a particular statement of any deficiency as to meeting the expenses and interest on the principal sum borrowed and the sinking fund, as in this act authorized, and all books and papers of every kind kept by said commissioners, on which are entries of their transactions as such, shall at all times be subject to the inspection of the mayor and said common council, and of every member of the said common council.

Books and
papers to
be subject
to inspec-
tion.

§ 12. Section twenty-six of said act is hereby amended so as to read as follows:

By-laws.

§ 26. The said board of water commissioners shall have power, from time to time, to make and establish such by-laws, ordinances, rules and regulations as they may judge proper for the election of officers, their terms of office, and as to the duties of their officers, agents and employees, and the means of enforcing such duties, and for the regulation of the times and manner of holding meetings of the board of water commissioners, and generally for transacting, managing and directing the affairs of the board of water commissioners. They shall also establish an office for the filing, depositing and recording of all books, papers and maps required to be filed in the transaction of their business.

Office to
be estab-
lished.

§ 13. Section twenty-eight of said act is hereby amended so as to read as follows:

Water as-
sessments.

§ 28. The said board of water commissioners shall, after the introduction of water for general use, in addition to the scale of rents heretofore authorized to be established for the use of the water, establish a scale of annual rents, to be denominated "water assessments," and apportioned to all the different lots, pieces or parcels of land in said city, including lots upon which buildings are erected, in front of or near which water-pipes shall be laid. Said board may increase or diminish such scale of "water assessments" from time to time, provided, however, that said water assessments upon any lot shall not exceed thirty cents per lineal foot street frontage upon any such lot. Such "water assessments," when so established, shall be collected from the owners or occupants of all such lots, pieces or parcels of land, respectively, which shall front upon any street, avenue, alley or private-way in said city in which the distributing water-pipes are or may be laid, and from which they can be supplied with water. Said water assessments shall become a charge and lien upon the whole of such houses and lots, respectively, so fronting, as aforesaid, to the extent of their front width and depth. The said board of water commissioners shall annually cause an assessment list of said lots to be prepared, upon which said "water assessments" shall be a lien, and for the valid assessment of any

Proviso.

From
whom to
be collect-
ed.

To be a
lien.

List of lots
to be
made an-
nually.

lands under this section, it shall be sufficient to give the name of the owner, when known, together with the lot number, if any, on any designated map, the side of the street upon which said lot is located, and the size thereof, as nearly as can be ascertained. In case the owner or owners of any of said lots shall not be known, then the same shall be assessed to "unknown owners." No error in the name of the owners shall invalidate the assessment, nor shall any error in the description invalidate the assessment unless the same shall mislead the owner of such land. The said board of water commissioners shall by ordinance or by-law establish a day on which shall commence each fiscal year; all water assessments shall be payable to the treasurer of the water board, within thirty days after the commencement of each fiscal year, and such assessment shall be, from the commencement of each fiscal year, liens upon the property upon which the same shall be assessed or charged. The treasurer of said water board shall, at the termination of each fiscal year, cause a list of the lots, pieces or parcels of land upon which water assessments remain unpaid, to be prepared and certify the same, which list shall contain in the first column a brief description of the property upon which unpaid water assessments shall have been imposed, or been payable during such years; in the second column the amount of the annual water assessment charged and unpaid upon such property; in the third column the name or reputed name of the owner or occupant of such property, or, if such owner shall be unknown, then the words "unknown owner," and shall file such certified list with the clerk of said city. The common council of said city, shall thereupon issue their warrant to the receiver of taxes of said city directing him to collect the same, with interest and commissions as is or may be provided for the collection of city taxes, and said receiver shall, daily, make payment of such water assessments as he shall collect to the treasurer of the board of water commissioners, and report daily, in items, the amounts collected, and against what property, and make return of his proceedings and of unpaid water assessments, in the same manner as is or may be prescribed in the charter of the city of Yonkers upon a warrant issued to him for collection of city taxes, and as to such water assessments as shall not be paid to such receiver, and the non-payment of which he shall return and certify as above, the said common council are hereby authorized to sell the property upon which the same shall be charged, in the same manner and to the same extent, and to the same effect in all respects as they are or may be authorized to sell lands for unpaid taxes; and the issuing of a lease upon any such sale shall be presumptive evidence of the regularity of the sale, the legality of the imposition of the charge or water assessment, and that the same was unpaid, and that all the proceedings, up to and including the issuing of such lease, were regular and lawfully authorized. The amount of money derived from the sale of such property shall be paid to the treasurer of the board of water commissioners. For the purposes of this section the first fiscal year shall consist of that period of time between the day when the said commissioners shall elect and determine to commence the supply of water for said city, and the day as aforesaid to be designated as the day in which the fiscal year shall commence. The said board of water commissioners are hereby authorized to ascertain, and by resolution to determine, a day upon which for all purposes of this act, it shall be deemed that water shall have been introduced for general purposes, according to the intent and meaning of this act.

Error not to invalidate.

Fiscal year.

Water assessments, when payable.

Unpaid assessments, list of lots.

Warrant of collection.

Daily payment, &c.

Sale of property, how made.

Fiscal year.

§ 14. Section twenty-nine of said act is hereby amended so as to read as follows:

Interest
upon un-
paid as-
sessments.

§ 29. Water assessments which shall remain unpaid at the expiration of thirty days after the commencement of the fiscal year, and which shall be paid at any time before sixty days after the commencement of such fiscal year, shall draw interest at the rate of seven per cent. per annum, from the commencement of the fiscal year; and water assessments which shall remain unpaid sixty days after the commencement of the fiscal year shall draw interest at the rate of twelve per cent. per annum from the commencement of the fiscal year until paid.

§ 15. Section thirty-three of said act is hereby amended so as to read as follows:

Taking
highway
for reser-
voir.

§ 33. Whenever it shall be necessary, in the judgment of the said board of water commissioners, to take any public road or highway for the purposes of a reservoir, it shall be lawful and it shall be the duty of the said board either to raise the said road or construct a bridge therefor, or to take land for the purpose of a highway, and to construct a highway thereon in place of the one so taken, and the expenses of taking such land and of constructing or raising such highway or bridge shall be deemed a part of the expenses of taking land authorized by this act and by the acts hereby amended; and all damages sustained by the owner of any land, by reason of change of such highway, shall be assessed and ascertained by the commissioners of estimate appointed in pursuance of the provisions of this act and of the act hereby amended, and shall be paid for in the same manner as damages for the taking of lands.

Expenses.

§ 16. This act shall take effect immediately.

Chap. 558.

AN ACT to incorporate the Niagara River Transit Company, and to authorize said company to construct a bridge or tunnel.

Passed May 22, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporat-
ors.

SECTION 1. Lewis P. Dayton, John S. Ganson, James Tillinghast, Dennis Bowen, Joseph Warren, James M. Matthews, Samuel F. Alberger, John Allen, Jr., Walter Carey, Robert G. Stewart, Jacob Schue, Daniel E. Bailey, Israel S. Sencer, Thomas Leighton, Isaac Holloway, John S. Casement, J. Condit Smith, Milton Randall, Gaylord N. Sherwood, L. C. Woodruff, James Adams, Joseph Bock, E. L. Hedstrom, William H. Greene, Britain Holmes, Alfred S. Hubbell, Jacob A. Gittere, Josephus N. Larned, Alexander S. Diven, David S. Bennett, Nelson Holland, John Wilkinson, John M. Hutchinson, John B. Griffin, Thompson Hersee, D. Clinton Welch, John McMannus, Edward L. Stevenson, Gibson T. Williams, Oliver G. Steele, George W. Tift, Richard Bullymore, Dexter P. Rumsey, James C. Evans, John F. Schoelkopf, Philip Becker, Elam R. Jewett, William G. Fargo, William P. Letchworth, Martin Taylor, William Baynes, Orsamus H. Marshall, Guilford R. Wilson, George R. Potter, Robert D. Sherman, Edward Bennett, N. C. Scoville, George Chambers, Joseph W. Smith, and such other persons as they may associate with them, under the provisions of this act, shall be and they are hereby incorporated a body corporate by the name of the Niagara River Transit Company, with power to associate with any other persons, company, association or corporation in the dominion of

Corporate
name.

Canada, for the construction and maintenance of a bridge across the Niagara river, or a tunnel underneath the said river (as may be deemed expedient by the said company), from the city of Buffalo to some point near Fort Erie, in the province of Ontario, dominion of Canada, such bridge or tunnel not to impede the navigation of said river, said bridge (if a bridge be built) to be constructed with two draws, one across Black Rock harbor and the other across the main channel of the Niagara river; such draws to be of ample width to give unobstructed passage to all steamboats, vessels, rafts or other crafts navigating said river, or Lake Erie, and to be at all times tended and moved at the expense of the said company, so as not to hinder the passage of any vessel or other craft; and suitable lights shall be exhibited at the said draws during all hours of the night, while the season of navigation continues. Said company shall, at all times, keep in readiness one or more powerful steamboats, or steam-tugs, suitable for towing such vessels, rafts, or other crafts, through such draws, and shall tow all such vessels, rafts, or other crafts, through said draws whenever requested to do so by the officer, owner, agent, or other person in charge of said vessels, rafts, or other crafts, such notice to be given by steam whistle, flag, or other usual signals, verbally or in writing, when a passage is required on their regular passage through said draw, without charge, and said company shall be liable to pay the owner of any steamboat, vessel, raft, or other craft, or the cargoes thereof, all damages which they may sustain by reason of bridging said river.

Object.
Bridge,
how con-
structed.

Lights.

Steam-
boats or
tugs, com-
pany to
keep.

§ 2. The said company shall have power to construct approaches and to lay tracks to and from said bridge or tunnel in its immediate vicinity, and may acquire land for the construction of said approaches and tracks.

Ap-
proaches
and land
therefor.

§ 3. The capital stock of the said company shall be one million five hundred thousand dollars, with the privilege of increasing the same to three millions of dollars, to be divided into shares of one hundred dollars each, and the same shall be deemed personal property.

Capital
stock.

§ 4. Such bridge or tunnel as may be constructed by the said company shall be for the passage of persons on foot and in carriages or otherwise, as well as for the passage of railroad trains; but all such railroad companies as may now or hereafter desire to run cars and locomotives across the said bridge, or through the said tunnel, shall have and be entitled to the same and equal rights and privileges in the passage of the said bridge or tunnel, and in the use of all the approaches thereto.

Uses of
bridge or
tunnel.

§ 5. The provisions of the act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, and of the several acts amendatory thereof, and supplementary thereto, shall apply, in all respects so far as the same are applicable to the formation and regulation of the said company, in the same manner and to the same extent as though the said company were a railroad corporation formed under the provisions of the said act.

Provisions
of general
railroad
act appli-
ed.

§ 6. The corporation hereby created shall have power to use any of the streets, squares or alleys of the city of Buffalo, for the erection of such bridge or tunnel, and the works and approaches thereto appertaining, provided the consent of the common council of the said city of Buffalo shall first be obtained.

Use of
streets,
&c.

§ 7. If the said bridge or tunnel be not commenced within five years, and completed within ten years, said corporation shall from thenceforth cease.

Time for
commence-
ment, &c.

§ 8. This act shall take effect immediately.

Chap. 559.

AN ACT to incorporate the Niagara Grand Island Bridge Company.

Passed May 22, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

- Corporators.** SECTION 1. All persons who shall become stockholders pursuant to this act shall be and they are hereby incorporated a body corporate by the name of the Niagara Grand Island Bridge Company, with power to associate with any other persons, company, association or corporation in the United States or Canada, for the construction and maintaining a bridge for road or railroad purposes, on the right bank of the Niagara river, crossing any island, if deemed expedient, in said river, to some point thereof in Canada, on the left bank, with one draw across each channel of the said river, which shall not materially impede the navigation thereof at a point in or near the village of Tonawanda, including the power to make the necessary approaches thereto, and by means of one or more tracks to connect the same with other railroads; said approaches not to extend more than two miles from the east bank of the Niagara river.
- Objects.**
- Draw, use of, &c.** § 2. The draw of said bridge or bridges shall be of ample width to give free and unobstructed passage to all steamboats, rafts and other vessels navigating said river, or Lake Erie; they shall be at all times tended and moved at the expense of said company, so as not to hinder or delay the passage of any steamboat, vessel or rafts; at all times during the season of lake navigation suitable lights shall be maintained upon said bridge to guide all such vessels, rafts or steamboats at all times approaching or passing said draws.
- Lights.**
- Capital stock.** § 3. The capital stock of said company shall be one million of dollars, with the privilege of increasing the same to three millions, to be divided into shares of one hundred dollars each, and shall be deemed personal property.
- Directors.** § 4. The affairs of the company shall be managed by a board of nine directors, who shall be each stockholders of the said company, holding at least ten shares each, and after the first election shall be chosen annually on the first Tuesday in June in each year, at such place as the stockholders may direct, and upon such notice to the stockholders, as a majority of the directors shall appoint, by a majority of the stockholders voting at such election, in person or by proxy, and in such manner as may be prescribed in the by-laws of the company, and such directors shall continue to be directors until others are elected in their places; and in the election of directors and in every other case wherein a vote shall be submitted to the stockholders and a poll demanded, each stockholder shall be entitled to one vote, personally or by proxy, on every share held by him, thirty days previous to any such election, or vote being taken.
- To be chosen annually.**
- By-laws.** § 5. The directors shall have power to make all reasonable by-laws and rules consistent with general laws, for the government of the company and its officers and agents, and to fix such rates of toll for the use of the said bridge, and from time to time to change the same as they may deem expedient, and may require from stockholders payment of all sums of money by them subscribed, at such times and in such pro-
- Rates of toll.**
- Payment of subscriptions.**

portions as may be deemed proper, under the penalty of a forfeiture of their respective shares, and all payments thereon, first giving thirty days' previous notice of such call, in two or more newspapers printed in the city of Buffalo.

§ 6. All the stockholders under this act shall be severally and individually liable to an amount equal to the amount unpaid on the stock held by them respectively, for all debts and liabilities of such company, until the whole amount of the capital stock so held by said stockholders respectively, shall have been paid, and a certificate or certificates thereof filed, on the part of each or all of said stockholders, that the respective amounts of each have been paid, in the office of the clerk of the county of Erie.

Personal liability of stockholders.

§ 7. The said corporation shall possess the general powers, and be subject to the restrictions and liabilities prescribed in title three, of chapter eighteen, of part first of the Revised Statutes, so far as the same are applicable thereto.

General powers, &c.

§ 8. The said corporation is hereby empowered to purchase, receive and hold such real estate on either side of the Niagara river as may be necessary and convenient in accomplishing the objects for which this charter is granted, and may, by their surveyor and engineers, enter upon such sites and locations and take possession of the same. All such sites and locations as shall be entered upon as aforesaid shall, except donations, be purchased of the owner or owners at a price to be mutually agreed upon. In cases of the disagreement of the prices to be paid for any such land within the boundaries of the State of New York, then the said corporation shall possess all the powers and privileges contained in the thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth and twenty-eighth sections of the act entitled "An act to authorize the formation of railroad corporations and regulate the same," passed April second, eighteen hundred and fifty, and as the same have been and stand amended, and subject to the duties, liabilities and provisions in the said sections contained.

Power to take and hold real estate.

How title may be obtained.

§ 9. The corporation shall possess the general powers, and be subject to the restrictions and liabilities prescribed in the act entitled "An act authorizing the consolidation of certain railroad companies," passed May twenty, eighteen hundred and sixty-nine, so far as the same are applicable thereto, for the purposes of consolidating the same with any corporation chartered for a like purpose by the Parliament of Canada; and shall further have the power to lease the said bridge, the approaches and connections thereto, and appurtenances to any chartered corporation for such time and on such terms as may be agreed upon.

Consolidation.

§ 10. The said corporation, or the new corporation, in the case of consolidation with any other corporation or corporations, shall have power, from time to time, to borrow such sums of money as may be necessary for constructing and completing the said bridge, and for acquiring the necessary real estate for the site thereof and the approaches thereto, and to mortgage its corporate property and franchises to secure the payment of any debt which shall be contracted by such corporation for the purposes aforesaid; and it shall be lawful for any corporation, chartered by the Legislature of this State, or by any other State, or by the Parliament of Canada, or the province of Ontario, to loan its credit to the corporation hereby created, or may subscribe to or become the owner of the stock thereof in like manner and with like

Corporation may borrow money.

Security therefor.

Loan of credit.

Bonds. rights as individuals; and the said corporation or corporations having entered into such lease and agreed for the loan of its or their credit for that object, by direct guaranty or traffic, contract or otherwise, the said corporation hereby chartered, or the new corporation, in the case of consolidation, may issue bonds which shall bear the credit or guaranty of the said corporation or corporations, to an amount not exceeding two millions of dollars, and shall have the same charge and effect upon the undertaking and property, and the same extent as is secured by this section by way of mortgage.

Compensation for use of bridge. § 11. The said corporation or corporations, being lessees, shall have the right to charge such fair compensation for the use of the bridge, and the appurtenances and approaches thereto, by the corporations, or by any company whose business shall pass over the same, as shall be found by experience requisite to enable them to pay, first, all the expenses of keeping the works in repair, and interest upon the money borrowed for the construction thereof, and dividends not exceeding ten per cent. upon their capital stock and such additional sum as will furnish a sinking fund in each year not to exceed five per cent. of the amount of its bonded debt, for the purpose of gradually extinguishing the same, and the deficiencies of toll to supply such compensation in any one year, may be charged and collected in any subsequent year.

Coffer-dams, &c. § 12. The said company shall have power to erect coffer-dams and such other works in the Niagara river as may be necessary for the construction of such bridge, provided the navigation of said river shall not be obstructed by such work; and it shall be the duty of said company to put up and maintain in the night-time, during the season of lake navigation, a good and sufficient light at each end of any coffer-dam which may be erected by said company; said light to be placed at least five feet above said dam, and also such buoys, during both day and night, as may be necessary for the guide of persons navigating said river.

Willful injury. § 13. If any person shall willfully or maliciously do, or cause to be done, any act or acts whatever, whereby said bridge, their lights, stations, works, machinery, fixtures or other appurtenances thereto shall be obstructed, impaired, weakened, destroyed or injured, or do any of said acts to the injury of said bridge, the person so offending shall forfeit to said corporation treble damages sustained by means of such offense or injury, to be recovered in the name of the corporation, with costs of suit, by action of debt, and shall be guilty of a misdemeanor and be punished by fine or imprisonment, or both, by any court having cognizance of the offense.

Misdemeanor. § 14. If said bridge be not commenced within three years, and completed within seven years, said corporation shall from thenceforth cease.

Time for commencing, &c. Commissioners. § 15. Henry P. Smith, John Nice, William Alexander Thomson, A. McLachlen, Codon McDougall, John Flett, Edwin Hershey, Lanty S. Lundy, Lewis S. Payne, Harry B. Ramson, John W. Cramer, Albert B. Williams, Ossian Bedell, Daniel Post shall be commissioners, a majority of whom shall, when this act shall have passed and become a law, and as soon thereafter as they may deem expedient, have power to locate said bridge, which location shall not be changed except by and with the consent of a majority of the commissioners herein named, and appoint some suitable place in the village of Tonawanda, to open the books and receive subscriptions to the capital stock of said corporation, of which ten days' public notice shall be given in at least one newspaper in the city of Buffalo; and said commissioners may adjourn, from time to time, as they may deem proper, and open the books for further

May locate bridge.

Subscriptions to capital stock, &c.

subscription, until the sum of two hundred thousand dollars shall have been subscribed in the capital stock; and if more than the whole stock shall have been subscribed, the same shall be distributed pro rata among the subscribers.

§ 16. The sum of ten dollars upon each share of stock so subscribed shall be paid to the commissioners attending at the time of making such subscription, which shall be held for the purposes of the corporation only, and shall be paid to the directors for such purposes, upon their election, as hereinafter provided; except in respect to such subscriptions as the said commissioners shall have excluded, in which case the said sums so paid in respect to such excluded subscription shall be returned by the commissioners to the person or persons who shall have paid the same.

Ten dollars on each share to be paid down.

§ 17. As soon as the sum of two hundred thousand dollars on the capital stock shall have been duly subscribed, and have obtained the approbation of the commissioners, they, or a majority of them, shall give ten days' notice in two public newspapers published in the city of Buffalo of a meeting of the stockholders to choose directors; and the said commissioners, or such of them as shall attend, shall preside at the first election, and such election shall be made at the time and place appointed by the commissioners in their notices by such of the stockholders as shall be present in person or by proxy, and the said commissioners so presiding shall, under their hands, certify the names of the directors so elected, and shall appoint the time and place of the first meeting of the board of directors, and at such first meeting, and so soon as a majority of the said directors shall be present, the commissioners shall deliver over the subscription money, books and papers to the directors, whereupon the duties of the said commissioners shall cease, and they stand discharged of their duties under this act, except so far as pertains to the location of said bridge.

Choosing directors.

Certificate.

First meeting.

When duties of commissioners cease.

§ 18. The directors shall, at their first meeting after such election, and after every annual election of directors under this act, appoint from their number a president and vice-president; a majority of the whole shall at all times form a quorum of the board for the transaction of business, which quorum may be made by proxies, provided that never less than three directors shall be actually present in proper person.

Appointment of president, &c.

Quorum.

§ 19. This act shall take effect immediately.

Chap. 560.

AN ACT to amend an act entitled "An act to authorize the formation of town insurance companies," passed April seventeenth, eighteen hundred and fifty-seven, and the act to amend the same, passed May twenty-first, eighteen hundred and seventy-three.

Passed May 22, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of the act entitled "An act to authorize the formation of town insurance companies," passed April seventeenth, eighteen hundred and fifty-seven, and the act to amend the same, passed May twenty-first, eighteen hundred and seventy-three, is hereby amended so as to read as follows, and as amended is made applicable

to all town insurance companies heretofore formed or organized thereunder.

Policies.

§ 4. The directors of such company may issue policies, signed by their president and secretary, agreeing, in the name of such company, to pay all damages which may be sustained by fire or lightning, for a term not exceeding five years, by the holders of such policies, not exceeding the sum named in the policy, and which shall not exceed the sum of three thousand dollars in any one risk, excepting upon detached buildings upon farms, upon which such risk shall not exceed five thousand dollars.

§ 2. This act to take effect immediately.

Chap. 561.

AN ACT to amend chapter four hundred of the laws of eighteen hundred and seventy-two, entitled "An act to incorporate the Oswegatchie Bridge Company."

Passed May 23, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section four of chapter four hundred of the laws of eighteen hundred and seventy-two is hereby amended by adding at the end of said section the words following :

Construc-
tion of
bridge au-
thorized.

"And also to construct a bridge of the same plan and construction as the bridge authorized in section three of this act, with a like draw, and to be opened as therein provided, across the inner or south channel of the river St. Lawrence, in front of the said city of Ogdensburgh, at any point between Catharine street and Franklin street in said city, and to

Railroad.

construct, maintain and operate a railroad, with one or more tracks from said bridge across the bar, shoal or flat in front of said city, to the outer

Dock.

or main channel of the river St. Lawrence, and to construct, establish and maintain a dock or wharf at the end of said road, on said main

Amend-
ment.

channel, necessary for the operating said road and a ferry across said main channel, not to exceed three hundred feet square."

§ 2. Section seven of said act is hereby amended by striking out the words "Oswegatchie river," and inserting in the place thereof the word "rivers."

§ 3. This act shall take effect immediately.

Chap. 562.

AN ACT to amend chapter five hundred and five of the laws of eighteen hundred and sixty-five, entitled "An act to provide for the improvement of the navigation of the Oswegatchie river, and of the hydraulic powers thereon, and to check freshets therein."

Passed May 23, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section twelve of chapter five hundred and five of the laws of eighteen hundred and sixty-five is hereby amended by adding thereto the following :

In order further to carry out the purposes of this act, the commissioners under the same, are hereby authorized and empowered to constitute, establish and improve Black lake as a reservoir, for the purposes specified in the first section of this act, and whenever they receive a petition to that effect, signed by a majority of the owners of first and second class runs of water attached to the water property at Ogdensburgh, with a certificate of the county judge of St. Lawrence county, that it is proved to his satisfaction that the signers of said petition are owners of a majority of the first and second class runs of water attached to the water power property at Ogdensburgh, they shall excavate a channel not over five feet in depth below the bottom of the cut in the Eel-weir rapids, as authorized to be made by the commissioners under chapter five hundred and seventy-seven of the laws of eighteen hundred and sixty-four, and not wider than one hundred feet, out of said Black lake at such point at or near the Eel-weir rapids, as they may determine, with gates whereby the waters of said lake may be retained and discharged as the purposes of this act may require. They shall cause a survey and map to be made of the lands which they may deem necessary to take for the purpose of making such channel, and the gates thereon, and for a highway thereto, which map shall indicate as near as may be the different lots or tracts of land affected, the owners thereof so far as they can ascertain the same, and the quantity of land required from each, and they shall file such survey and map in the clerk's office of St. Lawrence county. They may purchase from the owners the lands described in said survey and map, and all other lands affected by the cutting of said channel, if they agree with the owners on the terms of such purchase, and may take a conveyance thereof to themselves, their successors and assigns forever. The provisions of sections six, eight, nine, ten, eleven, thirteen, fourteen, fifteen, sixteen, seventeen and eighteen of this act shall apply to the purposes of this section, as amended, except that the expenses of the work in this section authorized, including the damages to private rights and interests shall be assessed upon the several lots or parcels of land in Ogdensburgh, on which there is hydraulic power dependent upon the waters of said river, and except that all notices required to be published by the provisions of said sections shall be published in two newspapers published in the city of Ogdensburgh. The gates which said commissioners are hereby authorized to erect in such channel shall in no case be higher than the bottom of the cut authorized by said chapter five hundred and seventy-seven of the laws of eighteen hundred and sixty-four, and said commissioners shall draw down the waters of Black lake to an average of two feet below the bottom of said cut before receiving any water from Cranberry lake, after the first day of June in each year, and shall not permit the waters of Black lake to rise above the bottom of said cut, except in case of sudden freshet or storm of wind, until the supply of waters from Cranberry lake shall be exhausted. Said board shall maintain, repair and improve the works provided for by this section as amended.

Reservoir,
establish-
ment of.

Petition
and certi-
ficate.

Survey
and map.

Title, how
obtained,
&c.

Expenses,
how as-
sessed.

Notices.

Gates,
height of.

Height of
water in
Black
lake.

Chap. 563.

AN ACT to amend an act entitled "An act to amend the act entitled 'An act to amend the act to combine into one act the several acts relating to the city of Albany, passed April twelfth, eighteen hundred and forty-two, and the several acts amendatory thereof; and also to repeal the act establishing a capital police district, and to provide for the government thereof, passed April twenty-second, eighteen hundred and sixty-five, and the several acts amendatory thereof in so far as they relate to the city of Albany,' passed March sixteenth, eighteen hundred and seventy," passed April fifteenth, eighteen hundred and seventy-one.

Passed May 23, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of chapter five hundred and thirty-six of the laws of eighteen hundred and seventy-one is hereby amended so as to read as follows:

§ 7. Title eight of chapter seventy-seven of the laws of eighteen hundred and seventy, is hereby amended by adding thereto the following section:

When real estate, &c., sold for assessment may be purchased for the city.

§ 13. After any house or lot, parcel of land, or franchise shall have been advertised for two different sales, to satisfy any apportionment or assessment made pursuant to the provisions of law, and there shall be no purchaser at such sales, such houses and lots, parcel of land, or franchise, may be purchased for the city, by the chamberlain, at the close of the second, or any subsequent sale; and thereupon the city shall receive in the corporate name, a certificate and declaration of sale therefor, in the same manner as individual purchasers, and shall be vested with the same rights as other purchasers, and such certificate or declaration of sale shall be prima facie evidence of the regularity of all the proceedings prior thereto. The chamberlain is authorized to credit such assessments and apportionments with the purchase of the houses and lots, or the franchise therein named. In case the city becomes the purchaser, as herein provided, they are authorized to sell the property so purchased, and assign to the purchaser the certificate or declaration of sale, or convey such property and rights by quit-claim deed, provided, however, that no such sale or assignment shall be made except upon payment to the chamberlain of the amount paid by the city for such property at the assessment sale, unless such sale or assignment shall be made in pursuance of a resolution passed by a vote of three-fourths of all the members elected to the common council, approved by the mayor, after a notice shall have been published in the official papers once a week for three weeks, stating the person to whom and the price for which such property is proposed to be sold. The amount of apportionments and assessments, with the interest thereon, thus credited, shall be levied and collected in the annual tax budget, in accordance with section three, chapter one hundred thirty-nine, of laws of March twenty-seven, eighteen hundred and forty-eight.

City may sell such property.

Proviso.

Notice.

§ 2. This act shall take effect immediately.

Chap. 564.

AN ACT to amend an act entitled "An act to incorporate the village of Green Island, and for other purposes," passed May twelfth, eighteen hundred and sixty-nine.

Passed May 23, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of "An act entitled an act to incorporate the village of Green Island, and for other purposes," passed May twelfth, eighteen hundred and sixty-nine, is hereby amended so as to read as follows:

§ 1. All that part of the town of Watervliet, in the county of Albany, ^{Corporate limits.} which is contained within the following boundaries, namely: Beginning at a point in the southerly shore of the second branch of the Mohawk river, and at the southerly end of the Rensselaer and Saratoga railroad bridge crossing said branch, and runs from said point south forty-nine degrees and fifteen minutes west, twelve hundred feet; thence south seventy-six degrees forty-five minutes west, four hundred and forty feet; thence north forty-five degrees forty-five minutes west, two hundred and eighty-five feet; thence north sixty-four degrees forty-five minutes west, six hundred and sixty feet; thence south forty-nine degrees fifteen minutes west, six hundred and ten feet; thence south fourteen degrees forty-five minutes west, three hundred and thirty-five feet; thence south five degrees fifteen minutes east, four hundred and five feet; thence south nineteen degrees fifteen minutes west, six hundred and thirty-five feet; thence south twenty-eight degrees west, eleven hundred and ten feet; thence south four degrees east, fourteen hundred and forty feet; thence south eighteen degrees east, six hundred and fifty-five feet; thence south thirty-five degrees thirty minutes east, seven hundred and thirty feet; thence south six degrees west, eight hundred and twenty-five feet; thence south thirty-eight degrees west, seven hundred feet; thence south sixty-seven degrees thirty minutes west, five hundred and seventy-five feet; thence south thirty degrees west, four hundred and thirty feet; thence south seven degrees fifteen minutes west, six hundred and ninety feet; thence south fifteen degrees thirty minutes east, ten hundred and sixty feet to the north side of the State pier; thence south thirty degrees thirty minutes west, five hundred feet to angle of pier; thence north sixty-six degrees thirty minutes west, thirty feet; thence north forty-two degrees west, one hundred and ninety feet; thence south forty-eight degrees west, forty feet across north end of pier; thence south forty-two degrees east, two hundred and seventy-five feet; thence due east to the center of the main channel of the Hudson river and in the division line between the counties of Albany and Rensselaer; thence northerly up and along said county line to the center of the second branch of the Mohawk river; thence southwesterly along said center line of said second branch until the place of beginning bears due north; thence due north to the place of beginning, shall, hereafter be known and distinguished as "The Village of Green Island." And the inhabitants residing within the bounds aforesaid, shall hereafter be a body politic and corporate, by the name of "The Village of Green Island," and as such may sue and be sued, complain and defend in any court, make and use a common seal, and

Corporate name and powers.

Purchase
or sale of
real es-
tate.

alter it at pleasure ; and may receive by gift, grant, devise, bequest or purchase, and hold and convey such real and personal estate as the purposes of the corporation may require, but no purchase or sale of any real estate shall be made by said village unless authorized by a vote of the taxable inhabitants thereof, to be given at an annual or special meeting duly called in the manner hereinafter described.

§ 2. This act shall take effect immediately.

Chap. 565.

AN ACT to amend an act entitled "An act to reorganize the fire department of the city of Albany," passed March twenty-ninth, eighteen hundred and sixty-seven.

Passed May 23, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section four of chapter one hundred and ninety-seven of the laws of eighteen hundred and sixty-seven is hereby amended so as read as follows :

Board of
fire com-
mission-
ers, pow-
ers and
duties of

§ 4. The said board of fire commissioners shall have the control and management of the said fire department, its officers and men ; and shall prescribe the rules for its discipline and government ; and the said board of fire commissioners shall also have the control and management of the public property now pertaining to the fire department of said city, and that shall hereafter pertain to the department created by this act, and shall from time to time, in their sound discretion, add to, acquire, and, subject to the approval of the common council, sell or dispose of said property, both real and personal, as the provisions of this act and the exigencies of the department, not inconsistent with this act, may require ; and shall pay over to the city chamberlain all moneys that may come into their hands, immediately after the receipt of the same. The said board of fire commissioners are also hereby invested with all discretionary powers necessary to the faithful execution of this act, including the proper selection and location of all needful buildings and offices, and the complete equipment of the several companies with horses, engines, vehicles and other apparatus, and by a two-third vote of all the members of said board shall prescribe, control and regulate the expenditures of every kind of the department created by this act ;

Selection
and loca-
tion of
buildings,
offices,
&c.

Proviso.

§ 2. This act shall take effect immediately.

Chap. 566.

AN ACT in relation to the general interpreter of the criminal courts of the county of New York.

Passed May 23, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The resolution passed by the board of supervisors of the county of New York on the twenty-sixth day of May, eighteen hundred and seventy, and approved by the mayor of the city of New York on the twenty-seventh day of May, eighteen hundred and seventy, so far as it concerns the general interpreter for the criminal courts of the county of New York, increasing his salary to three thousand five hundred dollars per year, is hereby confirmed, ratified and legalized; and the controller of the city and county of New York is hereby required and directed to pay to said interpreter, or his personal or legal representatives, the said salary, at the said rate for the term unpaid for.

Resolution of board of supervisors legalized as to salary of interpreter.

City controller to pay salary.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 567.

AN ACT to provide for grading and macadamizing the highway known as Broadway in the town of Flushing, Queens county, and for keeping the same in repair.

Passed May 23, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The commissioners of highways of the town of Flushing and their successors in office are hereby constituted and appointed a commission with the following powers and duties and subject to the following provisions.

Commissioners of highways constituted a commission.

§ 2. The said commissioners shall proceed immediately, after the passage of this act and its sanction by a majority vote of the people of the town of Flushing as hereinafter provided, to alter and improve the grade of the highway known as Broadway, being the road late of the Flushing and Bayside plank-road company and the North Hempstead turnpike company from the intersection of Browne avenue and said Broadway, in the village of Flushing, to the eastern boundary line of the town of Flushing, and to macadamize the same to the width of sixteen feet in the center thereof, and to a mean depth of twelve inches, with good broken hard stone or trap rock; said macadamizing shall be done by contract, and proposals for the same shall be published for at least two weeks in each newspaper published in said town of Flushing.

When to alter and improve grade of Broadway, and macadamize the same.

Macadamizing, how to be done.

§ 3. The said commissioners shall not incur any expenses beyond fifty thousand dollars for the purpose of grading and macadamizing the said highway. Two-thirds of the expense thereof shall be assessed upon the property described and being within the limits of the follow-

Expenses, how to be assessed, &c.

ing boundary: Commencing at the southeast corner of school district number one of said town, where it intersects the North Hempstead line, thence westerly along said line to a point intersecting the line of school district number two, thence southwesterly along said line of school district number two and continuing in a direct line to a point intersecting the Central railroad of Long Island, thence northwesterly along the line of said railroad to a point north of the residence of William Foster, intersecting the Black stump road leading to Jamaica, thence following said road in a northwesterly direction to the Flushing village line, thence following the said village line to the line of Whitestone village, thence along the said line of the village of Whitestone to Little Bayside (so called), thence along the shore of Little Neck bay (excepting Willetts Point, United States property), in an easterly direction and along the easterly and northerly boundary line of the town of Flushing to the place of beginning. The other one-third of the expense shall be a charge upon and be collected from the taxable property, real and personal, in said town of Flushing.

Report of
commissioners,
its contents.

§ 4. Said commissioners shall make a report in which shall be stated the total expense of said improvement, including the expense of grading and macadamizing and the fees and incidental expenses connected with said work. Said report shall state the amount which, by the provision of the preceding section, is made a charge upon the said town of Flushing, and shall contain a schedule of all the lands within the assessment district hereinbefore fixed, which are assessed for said improvement, and the amount of assessment upon each parcel of said lands. Said report shall be accompanied by a map of said assessment district on which each of said parcels of land shall be designated, and the descriptions of said parcels in said report shall refer to said map. Said report shall be presented to the Supreme Court at any special term thereof held in Kings or Queens county, after notice thereof having been published for two weeks in each newspaper published in said town of Flushing. On the presentation of said report the court shall hear any objections thereto on the part of owners of lands assessed, and may confirm, amend or modify the same as shall appear just. On the confirmation of said report the assessments therein contained shall become liens on the parcels of land therein described.

Map.

Report to
be presented
to supreme
court.

Action of
court
thereon.

Copy to be
filed in
county
clerk's office,
&c.

Tax.

Receiver
of taxes to
collect
same

Notice,
time of
payment,
&c.

Receiver
to pay
over to
super-
visor.

§ 5. Said commissioners shall file a copy of said report when confirmed in the office of the clerk of Queens county, and serve a copy thereof on the supervisor of said town of Flushing, and it shall thereupon become the duty of said supervisor to present the same to the board of supervisors of Queens county at their next annual meeting, and said board shall thereupon insert in the tax levy of the town of Flushing the amount stated in said report as a charge assessed upon said town. Said commissioners shall likewise serve a copy of said report on the receiver of taxes of the town of Flushing, and said receiver shall thereupon proceed to the collection of the amounts assessed upon the various parcels of land within said assessment district, in the same manner as by law provided for the collection of taxes in said town. All the provisions of law relating to notices, time of payment, percentages added for default in payment and the sale of lands for non-payment of taxes in said town, shall be applicable to the assessment provided for in this act. Said receiver shall pay over the amount of said assessments received by him to the supervisor of said town, and said supervisor shall pay over to the commissioners appointed in the first section of this act, the amount charged on said town, and also all amounts so received from

said receiver, to be disbursed by said commissioners in payment of the expense incurred in the improvement of said road as aforesaid.

§ 6. The said commission shall, from and after the completion of the work of grading and macadamizing the said highway, be charged with the duty of keeping the same in repair, and shall annually in advance report to the board of town auditors the amount needed for that purpose, and the amount so required for repairs shall be levied and collected in the same manner as for other roads or highways in the town of Flushing.

Commissioners to keep highway in repair.

§ 7. The said commissioners, before entering upon the discharge of the duties hereby imposed, shall each execute and file a bond to the town of Flushing for the faithful discharge of such duties in the penalty and after the form to be adopted and approved by the supervisor of the town of Flushing.

Bond of commissioners.

§ 8. The said commissioners of highways shall receive for all services rendered pursuant to this act the same rate of compensation that they are now entitled to as such commissioners of highways, and no more.

Their compensation.

§ 9. The said commissioners shall take no steps in pursuance to the provisions of this act until the same shall be approved by a majority of voters of said town, voting at a special or annual town meeting, to be called by the officers of said town and be conducted in all other respects as now provided by law for town meetings in said town. The ballots used at such election shall contain the words "In favor of the improvement of Broadway," or "Opposed to the improvement of Broadway." If a majority of the ballots cast at such election shall contain the words "In favor of the improvement of Broadway," the approval aforesaid shall be considered as given.

Approval of voters.

Ballots.

§ 10. This act shall take effect immediately.

Chap. 568.

AN ACT to amend an act entitled "An act to condense and amend the several acts incorporating or relating to the village of Skaneateles," passed April sixteenth, eighteen hundred and fifty-seven.

Passed May 23, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of title four of chapter six hundred and twenty-one of the laws of eighteen hundred and fifty-seven, entitled "An act to condense and amend the several acts incorporating or relating to the village of Skaneateles," passed April sixteenth, eighteen hundred and fifty-seven, is hereby amended so as to read as follows:

§ 1. The said village is hereby declared a separate road district, and exempt from the superintendence of the commissioners of highways of the town of Skaneateles, except for building and repairing bridges therein, which shall be built and kept in repair by the commissioners of highways of the town of Skaneateles; and the trustees of said village shall be commissioners of highways for said village for all purposes except for building and repairing the bridges therein; and shall possess and have all the powers given by any law of this State to the commissioners of highways of towns, as far as the same may be applicable. And the said trustees for the purpose of improving the streets,

Village a separate road district.

Bridges.

Village trustees commissioners of highways for village.

Trustees
may con-
tract for
improving
streets,
&c.

may, from time to time, contract with or appoint an individual to superintend the work and procure the materials directed by said trustees, to be done and procured in such district; and may compensate such individual for his services out of the highway taxes in the treasury, the said trustees having the direction as to the amount to be expended, and the work to be done and the materials to be procured.

§ 2. Sections two and three of said title four are hereby amended by striking from each of said sections the word "bridges."

§ 3. This act shall take effect immediately.

Chap. 569.

AN ACT to amend the charter of the city of Buffalo.

Passed May 23, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section first of title fifteen of an act entitled "An act to revise the charter of the city of Buffalo," passed April twenty-eight, eighteen hundred and seventy, is hereby amended so as to read as follows:

Water-
works.

Service
pipes.

Notice to
owners.

City may
cause ser-
vice pipes
to be laid,
&c.

Streets,
alleys,
cross-
walks, &c.

§ 1. The city has power to construct, maintain and regulate water-works to supply the city and its inhabitants with water, and may cause water pipes to be laid in such streets in said city (paved or unpaved), as shall be deemed necessary and expedient by the common council and the board of water commissioners, and may also cause service pipes to be laid from the main pipe in the street to curb stone on each side of any street where such main pipe shall be laid, as often as shall be deemed necessary to supply the demand for water along said street, and may cause such service pipes to be laid before the street is paved by giving notice to the owners of land fronting on the street, to cause such service pipe to be laid, and if, after ten days from the giving of such notice, such owner shall fail to cause such service pipe to be laid, the city may cause such service pipe to be laid, and may cause the assessors to assess a sum sufficient to defray the expenses thereof upon the land and property deemed benefited thereby, and the same shall be collected in the same manner as other local assessments.

§ 2. Section six of title nine is hereby amended to read as follows:

§ 6. It may cause streets and alleys to be opened, leveled, graded, repaired, cleaned and watered, crosswalks, culverts, sewers, drains, receivers, aqueducts, wharves, piers, canals, slips and basins to be constructed, enlarged, repaired and cleaned; but no street, alleys or lanes shall be watered or sprinkled unless a majority of the persons resident in the city, whose lands will be liable to be assessed for such expense shall apply for the same.

§ 3. This act shall take effect immediately.

Chap. 570.

AN ACT to amend chapter ninety-three of the laws of eighteen hundred and sixty-three, entitled "An act to authorize the making of sidewalks and planting shade trees along highways of this State, other than in cities and incorporated villages," passed April seventh, eighteen hundred and sixty-three.

Passed May 23, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one chapter ninety-three of the laws of eighteen hundred and sixty-three is hereby amended so as to read as follows :

§ 1. All persons owning lands fronting upon any highway (except in cities and incorporated villages) may make and have sidewalks along such land in the highway, and may plant and have shade trees along the road side of such sidewalks; such sidewalks, with shade trees, shall not extend more than six feet in width from the outward line of such highway to the line of the center of such shade trees; provided such highway is not more than three rods wide. In all cases where the highway is more than three rods wide the central line of such shade trees may be extended into the highway, from its outward line, a distance equal to one-fifth part of the width of such highway; provided such central line shall, in no case, exceed eleven feet from the said outward line of such highway; and for the protection of such walks or trees they may also construct a railing of one bar, of not more than three and a-half feet in height, with posts and with openings at convenient distances, so as in nowise to prevent foot passengers from using such walks, upon the road side adjacent and within two and a-half feet of such trees, or, if there are no trees, then upon the road side of such sidewalks, on the same line on which trees may be planted as hereinabove provided. But no trees of the kinds named in chapter three hundred and twenty-two of the laws of eighteen hundred and sixty-nine shall be planted nearer together than is therein provided.

§ 2. Any person or persons driving any team, vehicle, cattle, sheep, horses or swine, or racing or driving any horse, willfully upon any such sidewalk, or who shall cut, mar, injure or destroy any shade tree, shall be deemed guilty of a misdemeanor, and upon conviction before any justice of the peace or other court having jurisdiction, upon complaint of the owner or any other person, shall be fined not exceeding fifty dollars or imprisonment in the county jail not exceeding thirty days, or both, for every such offense.

§ 3. This act shall take effect immediately.

Sidewalks
and shade
trees
along
highways.

Railing.

Proviso.

Injury to
trees, &c.,
a misde-
meanor.

Punish-
ment.

Chap. 571.

AN ACT to amend the charter of the International Exchange and Agency Company of New York, incorporated by chapter six hundred and eighty-four of the laws of eighteen hundred and seventy-three.

Passed May 25, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Corporate
name
changed.

SECTION 1. The International Exchange and Agency Company of New York, incorporated by act passed June ninth, eighteen hundred and seventy-three, shall hereafter be known as "The International Trust Company of New York," and its charter is hereby amended accordingly.

Corporat-
ors may
open
books of
subscription.

§ 2. The corporators named in said act, or a committee of not less than three of their number, to be designated by a majority of the said corporators, may open books of subscription to the capital stock of the said company on a notice of ten days of the time and place, to be published in two daily newspapers in the city of New York, and under such regulations as the said committee may prescribe.

Company
may loan
money.
When to
organize.

§ 3. The said company shall have power to loan money on real or personal security, but not at a higher rate of interest than seven per cent. per annum. It may organize and commence its operations within one year from the passage of this act, and whenever two hundred and fifty thousand dollars of its capital stock shall have been subscribed for and paid in, in cash. A majority of the corporators named in the charter shall have power to do all acts proper or necessary for carrying out and completing the organization of the company. The whole of the capital stock of said company shall be paid up within four years from the date of the organization of said company.

§ 4. The sixth section of said act is hereby amended so as to read as follows :

Individual
liability
of stock-
holders.

Executors,
&c., how
liable.

§ 6. The stockholders of said company shall be individually liable to the creditors thereof, after exhausting the property of the company, to an amount equal to the stock held by them respectively, for all debts and contracts of said company; but no person holding stock therein as executor, administrator, guardian or trustee, and no person holding such stock as collateral security, shall be personally liable as a stockholder in said company, but the estate and funds in the hands of such executor, administrator, guardian or trustee shall be liable in like manner and to the same extent as the testator or intestate or the ward or person interested in such trust fund would have been, if living and competent to act and hold the stock in his own name, and the person pledging such stock shall be deemed the stockholder and liable under this section.

§ 5. This act shall take effect immediately.

Chap. 572.

AN ACT to amend an act entitled "An act to provide for the improvement of the Coney Island plank-road, as recently widened, passed May three, eighteen hundred and seventy-two."

Passed May 25, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of the act entitled "An act to provide for the improvement of the Coney Island plank-road, as recently widened, passed May three, eighteen hundred and seventy-two," is hereby amended so as to read as follows:

§ 1. The Brooklyn park commissioners are hereby authorized to grade, gravel, curb and gutter that portion of the Coney Island plank-road as recently widened, lying between the circle at the southwesterly angle of Prospect park and Church lane, and said Church lane from said road to Ocean parkway, according to a plan to be devised and adopted by them. All expenses incident to said improvements, after having been duly certified by the said park commissioners, to the commissioners of estimate and assessment, appointed as hereinafter directed, shall be by them apportioned and assessed upon the property in their judgment benefited thereby, within a district of assessment to be fixed by the said park commissioners, but no district of assessment shall extend beyond the termini of the improvements provided for in this act, and the assessments specified in their report, when filed in the office of the clerk of the county of Kings, and duly confirmed by an order of the Supreme Court, at special term, upon an application therefor, of which ten days' notice shall have been given, in two newspapers printed in the city of Brooklyn, shall constitute liens upon the several parcels of lands and premises, upon which they shall have been laid, and shall be collected in the manner hereinafter directed. The said park commissioners may also contract in writing, for the making of the said improvement, and may from time to time, as the work progresses, issue to the contractors in the name and upon the authority of the said commissioners, certificates of indebtedness bearing interest to the extent of eighty per cent. of the work completed by said contractors, payable out of the assessments therefor when collected. The Supreme Court in the second judicial district, at a special term thereof, shall, upon application of said park commissioners, on notice of ten days, to be published in two papers in the city of Brooklyn, appoint three commissioners of estimate and assessment, who shall be residents of the town of Flatbush, who shall have the powers and perform the duties of the commissioners of estimate and assessment, who acted in estimating the damages incident to the widening and opening of the said road. All the provisions of chapter seven hundred and seventy-one, of the laws of eighteen hundred and seventy-three, so far as the same relates to the collection of the assessments herein provided for, and the sale for the non-payment of the same, and the lien thereof shall apply to and become part of this act, except that no fees for collecting shall be charged against any property belonging to the city of Brooklyn, or to the county of Kings.

Park commissioners may grade, &c., part of Coney Island plank-road.
Expenses, how assessed.

Liens.

Certificates of indebtedness.

Commissioners of estimate and assessment, how appointed, &c.

Collection of assessments.

Fees.

§ 2. This act shall take effect immediately.

Chap 573.

AN ACT to amend an act entitled "An act to provide for the improvement of Park avenue, from Clinton avenue to Broadway, in the city of Brooklyn, and to repeal an act heretofore passed for the improvement of Park avenue, from Clinton avenue to Broadway, and from Hudson avenue to Bridge street, in the city of Brooklyn," passed June twenty-eight, eighteen hundred and seventy-three.

Passed May 25, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Expenses
for maps
and sur-
veys.

SECTION 1. The first section of the act entitled "An act to provide for the improvement of Park avenue, from Clinton avenue to Broadway, in the city of Brooklyn, and to repeal an act heretofore passed for the improvement of Park avenue, from Clinton avenue to Broadway, and from Hudson avenue to Bridge street, in the city of Brooklyn," passed June twenty-eight, eighteen hundred and seventy-three, is hereby amended by adding thereto the words following: But all expenses heretofore incurred for the making of maps or surveys for the purpose of carrying out the improvement authorized by the act hereby repealed, shall be charged in and made a part of the expense of opening Park avenue as provided in this act, and shall be collected and paid by the said city in the same manner as though incurred in carrying out the improvement in this act authorized.

Chap. 574.

AN ACT authorizing the Brooklyn Cross-Town Railroad Company to extend its tracks through certain streets in the city of Brooklyn.

Passed May 25, 1874.*

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Extension
of road au-
thorized.

SECTION 1. The Brooklyn Cross-Town Railroad Company is hereby authorized to lay, construct and operate an extension of its road from Atlantic avenue through and along Columbia street, with double tracks, to Brooklyn basin; also from the junction of Columbia with Woodhull street, through Woodhull street to Richards street, through and along Richards street to Elizabeth street, with the necessary curves, turn-outs and switches for the proper and convenient working and operation of said extension.

Fare.

§ 2. The said company shall keep the tracks and three feet each side thereof in repair, and may charge the same fare for the conveyance of passengers over the route hereby extended as it is now authorized to

* Certified by the presiding officer of the Assembly, as having passed the Assembly, "three-fifths being present."

charge but shall not be allowed to charge any greater fare for its entire route because of the extension hereby granted.

§ 3. In the construction or use of this extension of its tracks, should said company deem it necessary or proper to run upon, along and over, or intersect or use any portion of any other railroad tracks now laid upon said street, it is hereby authorized to do so, and in case it cannot agree with the owner or owners thereof, respecting the compensation to be paid for the use thereof, the amount of such compensation shall be ascertained and determined in the manner provided by subdivision six of twenty-eighth section of the act entitled "An act to authorize the formation of railroad corporations and to regulate the same, passed April second, eighteen hundred and fifty." Use, &c., of other railroad tracks.
Compensation therefor.

§ 4. This act shall take effect when the city of Brooklyn, through its common council, shall give its consent to the use of the streets herein named for the purposes mentioned.

Chap. 575.

AN ACT in relation to the Brooklyn, Winfield and New-town Railway Company.

Passed May 25, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The time within which the Brooklyn, Winfield and New-town Railway Company is required by law to finish its road and put it in operation, is hereby extended for three years, from and after the passage of this act.

§ 2. This act shall take effect immediately.

Chap. 576.

AN ACT in relation to Second avenue in the town of New Utrecht.

Passed May 25, 1874.*

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Second avenue, in the town of New Utrecht, shall terminate at its intersection with Marine avenue, so called, as said last-mentioned avenue is laid down, or proposed to be laid down on the map of the town survey commission of Kings county. Termination of Second avenue.

§ 2. All the provisions of law relative to the opening or grading of said Second avenue from Van Brunt's lane to the bay shall apply to that portion of said avenue between the said lane and the said place of termination herein provided for. Opening and grading.

§ 3. This act shall take effect immediately.

* Certified by the presiding officer of the Senate as having passed the Senate, "three-fifths being present."

Chap. 577.

AN ACT to confirm, reduce and levy a certain assessment in the city of Brooklyn.

Passed May 25, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Assessment reduced, &c.

SECTION 1. Two-thirds and no more of the costs and expenses of the improvement known as the repairing of Court street from Atlantic street to Joralamon street, in the city of Brooklyn, is hereby made a lien and assessment on the lands and premises included in the district of assessment heretofore fixed for such improvement, and two-thirds of such cost and expense, and no more, is hereby levied on the several pieces of land and premises in said district, in the same proportions in which the whole thereof would be by law assessed and apportioned thereon if this act were not passed, as a tax to be collected and applied by said city for the uses and purposes pertaining thereto, and in the manner hereinafter provided, and one-third of the cost and expense of such improvement shall be a general city charge, and the lands and premises included within said district shall not be charged therewith, but shall be and are hereby discharged and freed from all and every lien or assessment and all liability to be assessed for such one-third.

A part thereof made a general city charge.

Former proceedings confirmed in part.

§ 2. The proceedings heretofore had for the purpose of levying, laying or apportioning said sum hereinbefore mentioned upon the lands belonging and premises situated in said district of assessment are hereby confirmed and made legal and valid as to only two-thirds of said sum, and as to the remaining one-third of such sum such proceedings shall be deemed of no force and effect, and said pieces or parcels of land in said district of assessment and the owners thereof are, as to such one-third, discharged and freed from such assessment and from all liability to be assessed therefor.

Duty of board of assessors.

§ 3. The board of assessors of said city shall forthwith proceed to apportion and confirm such assessment upon the principle herein stated and prescribed, reducing the assessment upon the several pieces or parcels of land within said district of assessment by one-third from the amount which would be assessed thereon but for the passage of this act, and in such manner that twenty per cent. of the amount assessed on each parcel shall be due and payable within thirty days from the passage of this act; twenty per cent. thereof on the first day of June, one thousand eight hundred and seventy-five, together with interest on the amount of said assessment remaining unpaid; twenty per cent. on the first day of June, one thousand eight hundred and seventy-six, together with interest as aforesaid; twenty per cent. on the first day of June, eighteen hundred and seventy-seven, together with interest as aforesaid; and the remainder of said assessment, with interest, on the first day of June, eighteen hundred and seventy-eight; and such assessment so to be laid and confirmed shall be confirmed by the common council, and such reduced sums or assessments shall thereupon become due and payable, and the collector of taxes and assessments shall proceed to collect the same in the same manner as collections of assessments are now made by law.

When assessment to become due.

To be confirmed by common council, &c.

Tax to meet deficiency.

§ 4. For the purpose of meeting the deficiency to arise in said original assessments, by reason of the city assuming the payment of one-third

thereof, there shall be levied and assessed in the annual taxes of said city, annually, for five years immediately hereafter, an amount equal to one-fifth of such deficiency with interest thereon, which annual amount shall be in addition to all other amounts limited by law to be raised by tax annually for city and county purposes.

§ 5. This act shall take effect immediately.

Chap. 578.

AN ACT to authorize the city of Poughkeepsie to pay certain deficiencies and liabilities, and to issue bonds for that purpose.

Passed May 25, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be lawful for the common council of the city of Poughkeepsie to borrow on the credit of said city the sum of eighty-three thousand dollars, to pay the deficiency in the contingent fund of said city, amounting to fifty-three thousand dollars, and the deficiency in the "maintenance fund" created by the board of water commissioners of said city, amounting to the sum of twenty thousand dollars. And the estimated deficiencies in the highway fund for moneys required for new bridges and for repairs to other bridges, amounting to five thousand dollars, and the estimated deficiency in maintaining the water-works, water pipes and sewers for the current year, amounting to five thousand dollars.

§ 2. The common council of said city are hereby authorized to issue bonds not to be sold for less than par, for said sum of eighty-three thousand dollars, in the name and under the seal of said city, to be signed by the mayor and chamberlain thereof, in such amounts, at such rates of interest (not exceeding the rate fixed by law), and payable at such times as said common council shall direct. The moneys thus borrowed and the proceeds of all bonds issued by virtue of the authority of this act shall be applied to the payment of the deficiencies and liabilities mentioned in the first section of this act, and to no other purpose.

§ 3. Due provision by tax shall be made in each year, by the said common council, for the payment of the principal and interest falling due on said bonds as the same shall become due or mature, and such principal and interest shall be assessed, levied and collected in the same manner as any other general tax or assessment of said city, and at the time of the annual collection of taxes in said city.

§ 4. This act shall take effect immediately.

Chap. 579.

AN ACT requiring the commissioners appointed by the county judge of Madison county, under the act to aid the construction of the New York and Oswego Midland Railroad, for the purpose of bonding the village of Oneida, in said county, in aid of said railroad, to pay over the balance of money in their hands to the treasurer of said village, for the redemption of certain bonds of said village.

Passed May 25, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Commissioners to pay over to village treasurer.

SECTION 1. It shall be the duty of the commissioners appointed by the county judge of Madison county, for the purpose of bonding the village of Oneida, in Madison county, to raise money to aid in the construction of the New York and Oswego Midland Railroad, to pay over to the treasurer of said village, within thirty days after the passage of this act, the unexpended balance, with the accrued interest thereon, now in their hands.

Treasurer to demand same.

§ 2. It shall be the duty of the treasurer of the village of Oneida, in the county of Madison, to demand of the commissioners mentioned in the first section of this act the payment of the unexpended balance, with the accrued interest thereon, now in their hands to him.

If payment be neglected or refused village trustees to sue therefor.

§ 3. If the commissioners mentioned in the first section of this act shall neglect or refuse, after a demand shall have been made by the treasurer of said village, and after the thirty days shall have expired after the passage of this act, to pay over the said unexpended balance, with the accrued interest thereon, it shall be the duty of the board of trustees of the village of Oneida to sue the said commissioners mentioned in the first section of this act in any court of competent jurisdiction, for the recovery of said sum of money, in the corporate name of said village of Oneida. But in case the said board of trustees of said village shall neglect, for thirty days after the time shall have expired, as mentioned in this section, in which the said commissioners should have paid over to the treasurer of said village, to sue for the same, as is provided in this section, on being requested so to do by five citizens and tax-payers of said village, then and in that case the said five citizens and tax-payers shall have power to sue the said commissioners, in the corporate name of said village, for the recovery of said sum of money, the same as the said board of trustees are hereby required to do.

When tax-payers may sue.

§ 4. It shall be the duty of the treasurer of said village of Oneida, after he shall have received the said sum of money mentioned in the first section of this act, to expend the same in the purchase or payment of the bonds of said village, and for no other purpose, and at a price not exceeding the par value thereof. But in case the said treasurer shall be unable so to purchase enough of said village bonds to exhaust said sum of money, it shall be his duty to invest any balance he may have left in the bonds of the United States, and to hold the same for the purpose of redeeming said village bonds when they shall be presented, and for no other purpose.

Treasurer to purchase or pay bonds.

Investment.

§ 5. This act shall take effect immediately.

Chap. 580.

AN ACT to provide for the payment of certain money by the supervisor of the town of New Utrecht to the commissioners for grading Bay Ridge avenue in said town, and for the liquidation of a portion of the assessment due upon certain lands and premises of Charles Meyers on said avenue.

Passed May 25, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The supervisor of the town of New Utrecht is hereby authorized and directed to pay over to the commissioners for grading Bay Ridge avenue in said town, appointed by chapter two hundred and thirty-nine of the laws of eighteen hundred and seventy-two, the sum of two hundred and eighty-three dollars and thirty-four cents, received by him on account of the default and interest upon the unpaid assessments for opening said avenue, and not otherwise appropriated, and the said commissioners shall thereupon be authorized and empowered to pay to the Treasurer of this State such sum as in their judgment shall seem just and proper, in part payment of the assessments heretofore laid upon a certain parcel of land of Charles Meyers, situate on the southerly side of said avenue, for the opening and grading of said avenue, provided that the said Charles Meyers shall, at the same time, pay or cause to be paid to the said treasurer, the balance of the said assessments remaining due on the same parcel of land, together with the default and interest in full to the time of such payment.

Super-visor to pay over to commissioners certain moneys.

Commissioners to pay to state treasurer.

§ 2. This act shall take effect immediately.

Chap. 581.

AN ACT in relation to the town survey commissioners of Kings county, and for the preservation of the maps and monuments prepared and established by them.

Passed May 25, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The commissioners to lay out a plan for roads and streets in the town of Kings county, appointed in pursuance of chapter six hundred and seventy of the laws of eighteen hundred and sixty-nine, shall, on or before the first day of November next, file the map or maps referred to in the fourth section of said chapter, and in the acts amendatory thereof, signed by a majority of said commissioners, in the office of the Secretary of State, and also in the office of the register of the county of Kings, instead of the clerk of said county as in said acts provided. Said map or maps may be made in distinct and separate parts, and shall designate the location of all monuments established by them, the width of streets and avenues, the width and location of carriage-ways, sidewalks, stoops and court yards for said streets and ave-

Maps to be filed in office of secretary of state and register of Kings county.

Contents thereof.

nues, the width and length of blocks, the location and dimensions of the bulkhead, pier and basin lines, referred to in section three of chapter three hundred and thirty-one of the laws of eighteen hundred and seventy-two, and shall also contain the farm and lot lines, as laid down on the original drafts in the hands of the surveyor of said commissioners, with the buildings thereon, which lines shall be considered only as an approximation to the correct boundary lines of said farms and lots. They shall also at the same time file in the office of the clerk of each of said several towns, a complete copy, signed as aforesaid, of that portion of said maps referring to the territory comprised within the limits of the town in which the same is so filed, including in each instance so much of the adjoining towns in said county as may be necessary to indicate the several points of connection therewith; and the same shall be considered and treated as the original map or maps, in like manner with those filed in the office of the said register.

Copies to be filed in town clerk's office.

To be replaced by new copies in case of mutilation, &c.

New copies to be certified.

Expenditure, indebtedness and taxes.

Commissioners to render statement to board of supervisors.

When powers, &c., of commissioners to cease.

Protection of monuments.

§ 2. In case of the subsequent loss, destruction, mutilation or injury of such maps so filed in the offices of the register and the town clerks, or of any of them, or any part thereof, the same shall thereafter, from time to time, be replaced by new copies, or made good, under the direction of the said register or town clerk, who may be in charge thereof, and at the expense of the town or towns to which said map or portion of map so affected refers. When such new copies shall have been made, the same shall be certified to be true copies of the originals by the register or town clerk, according as the same shall have been taken and copied from the originals on file in the office of the register or town clerk, and such copies shall thereupon have the validity of, and shall, for all intents and purposes, be deemed to be such originals.

§ 3. The said commissioners shall not be authorized to expend any moneys, or incur any indebtedness, beyond the amount appropriated prior to the passage of this act for the expenses of said commission, exceeding such sum as the board of supervisors shall determine, which sum shall be included in the annual taxes next hereafter levied upon said towns of Kings county. It shall therefore be the duty of the said commissioners, on or before the thirty-first day of March, eighteen hundred and seventy-five, to render to the said board of supervisors a detailed statement of all their receipts and disbursements since the date of their appointment, together with vouchers for all sums paid out by them. The powers and duties heretofore devolved upon said commissioners by said act, and the several acts amendatory thereof, or supplemental thereto, and upon any and every person employed by them, shall except as in this section otherwise provided, terminate and cease on the first day of November, eighteen hundred and seventy-four.

§ 4. It shall be the duty of owners and occupants of property in the said towns to protect the monuments established and located on their premises by said commissioners, and not to disturb or remove the same, except as hereinafter provided. Any person offending against the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction thereof, liable to imprisonment for a term not exceeding thirty days, or to a fine not exceeding one hundred dollars, or both, in the discretion of the court, for each and every offense; and such persons shall also, for each offense, forfeit the sum of twenty-five dollars, which may be sued for, by the supervisors of the town, in the name of the town, either before or after such conviction as aforesaid, and, when collected, shall be paid over to the said supervisor, to be expended by him in resetting any of the monuments, or for the payment of other town charges which shall have been duly audited according to law.

§ 5. In case the temporary removal or re-location of any such monument shall become necessary for private or public improvement, or otherwise, due notice shall be given to the supervisor of the town in which the same is located, whose formal consent, in writing, shall be first obtained. Such removal or re-location shall be performed under the supervision of a competent surveyor, to be designated by the said supervisor, and a record of the same shall be made and signed by said surveyor and supervisor, and filed in the office of the town clerk.

Removal
or re-loc-
ation of
monu-
ment.

§ 6. Each of the said supervisors is hereby intrusted with the care and supervision of said monuments in his town, and he shall see that the same are maintained and replaced from time to time, as may be necessary, at the expense of the town, except when the removal thereof shall have been made for any public or private improvement, in which case the expense of such re-location shall be paid by the party at whose instance such removal was effected. And all such monuments as shall have been purchased by said commissioners, and deposited in any of said towns, but not actually used by them prior to the completion of their labors, shall be considered the property of the town in which so deposited and be in charge of the supervisor thereof, and be subject to such disposition as the voters of said town may, by resolution in regular annual town meeting assembled, at any time determine.

Super-
visors to
have care
of monn-
ments.

Monn-
ments
property
of town.

§ 7. This act shall take effect immediately.

Chap. 582.

AN ACT to authorize the Bushwick Railroad Company to extend their tracks.

Passed May 25, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Bushwick Railroad Company of the city of Brooklyn is hereby authorized to extend its tracks from their present terminus on Myrtle avenue, in the city of Brooklyn, through and along said Myrtle avenue to the village of Glendale, in the county of Queens, with the necessary switches, sidings and turnouts, and to operate their cars upon the same.

Extension
of railroad
author-
ized.

§ 2. This act shall take effect immediately.

Chap. 583.

AN ACT to lay out and improve a public highway or avenue and concourse in continuation of a public highway or avenue heretofore laid out from Prospect park, in the city of Brooklyn, toward Coney Island, in the county of Kings.

Passed May 25, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Brooklyn park commissioners are hereby authorized and directed to lay out and improve a public highway or avenue, not

Avenue,
&c., park
commis-

sioners to lay out and improve. more than two hundred and ten feet wide, exclusive of the court yards hereinafter provided for, commencing on the northerly side of the Kings highway, so called, at the point of termination of the public highway or avenue from Prospect park in the city of Brooklyn toward Coney Island in the county of Kings, as the same is laid out pursuant to the provisions of chapter eight hundred and sixty-one of the laws of eighteen hundred and sixty nine, and the several acts amending the same, running thence in a general southerly direction through the town of Gravesend, and on and across Coney Island to the Atlantic ocean.

Route. They shall also lay out a road or highway one hundred feet wide through and along the northerly and easterly side of the lands of the Prospect Park Fair Grounds Association, and the lands adjoining the same on the north and east, commencing where the said proposed road will intersect the said ocean parkway, at the northerly side of lands of said association, and terminating at the said continuation of the said ocean parkway on the southerly side of said lands.

Road to be laid out.

Route.

Concourse or shore road. They shall also lay out and open and improve such concourse or shore road at the southerly terminus of said highway hereby extended, as in their judgment shall be wise and proper, not exceeding three thousand feet in length on each side along the beach, and five hundred feet in width, exclusive of such accretions or additions which may be caused by the action of the elements or otherwise, on the southerly side thereof, which accretions, if any, shall attach thereto and be under the same control and care of the Brooklyn park commissioners as the said concourse or shore road shall or may be. And for this purpose they may enter upon any lands that may be necessary, and cause a proper survey and map of the said avenue, as well as of the district of assessment therefor, to be made.

Survey, &c.

Location of buildings on avenue. § 2. No buildings or other erections, except porches, piazzas, fences, fountains and statuary shall remain or be at any time placed upon the said avenue within thirty feet from the outside lines thereof, which space, on each side of the said avenue and in addition thereto, shall be used for the court yards only, and may be planted with trees and shrubbery, and otherwise ornamented, at the discretion of the respective owners or occupants thereof; but such use and ornamentation shall be under the direction of the said park commissioners.

Grading, &c. § 3. The said commissioners are hereby also directed to grade and otherwise improve said concourse, lateral, branch or shore road at the ocean beach, the said one hundred feet road and also so much of the said avenue as lies south of the lands of the said association, and also so much of said avenue as lies between the present termination of Ocean park-way and the point where said one hundred feet road commences, and in order to determine the amount to be paid to the owners of the lands and tenements required to be taken for the purposes of this act and for the improvement thereof, the said commissioners shall first fix a district of assessment for the opening and improvement of the said continued park-way, and another district of assessment for the opening and improvement of said one hundred feet road, within which several districts the property to be benefited shall be assessed to defray the expenses of such several takings as well as of the improvement thereof. Notice of the time and place of fixing the said districts, and of hearing the parties interested therein, shall be published for ten days successively in at least two daily newspapers printed and published in the county of Kings.

Districts of assessment, commissioners to fix.

Assessment to defray expenses.

Notice.

Commissioners of estimate, § 4. After fixing the said districts of assessment the said commissioners shall apply to the Supreme Court, at a special term to be held

in the second judicial district, upon a similar notice, for the appointment of three commissioners, who shall be freeholders and residents of the said county, to estimate the value of the lands and premises required to be taken for the purposes of this act, and the damages to be sustained by any person interested therein, as well by the taking of the land as by the creation of the restriction or easement thereon, specified in the second section of this act, or for the relinquishment of any easement now existing thereon or attaching thereto, together with the expenses of said opening and of the improvement thereof; and also to apportion and assess the same, both for taking and improving, in such manner as they shall deem just and equitable, upon the property to be benefited within the districts of assessment so to be fixed by the said park commissioners, and the said court, at special term, shall thereupon proceed to make such appointment. In case of the death or refusal to act or other disability of the commissioners so to be appointed, or either of them, at any time before the several objects of their appointment shall have been accomplished, the said court, at special term, may fill the vacancy.

appoint-
ment of.

Vacancy,
how filled.

§ 5. The commissioners so to be appointed by the court, after having been duly sworn faithfully to perform the duties hereby devolved upon them, shall proceed to make the estimates and assessments referred to in the last preceding sections of this act. And in laying the assessment for improvement, the expense of improving the said one hundred feet road shall be charged upon the lands of the said Prospect Park Fair Grounds Association. Each of the said reports shall at all times, before confirmation, be subject to review and correction, and ten days' notice of the time and place of hearing objections thereto, and of reviewing and correcting the same, shall be published in the newspapers above referred to. After hearing such objections, and making the corrections if any be required, the said reports shall be delivered to the said park commissioners.

Estimates
and as-
sess-
ments,
how
made.

Reports to
be subject
to review.

§ 6. Upon receiving the said reports, or either of them, the said park commissioners shall give ten days' notice in the said newspapers, that application will be made to the said court, at a special term, at a time and place to be therein designated, to have the same confirmed. Appeals may be taken from said reports, or any of them, by giving written notice to the attorney of the said commissioners, at least six days before the time fixed for the application to confirm the same, with a specification of the nature of the objections; and the court shall have power to confirm, amend or refer back the said reports, or either of them, as it may deem proper, and to make any further order in the premises, until the final confirmation thereof.

Applica-
tion for
confirma-
tion of
reports.

Appeal,
how
taken.

§ 7. After the reports of estimate and assessment for taking and opening the said avenue and one hundred feet road, and said concourse or lateral branch or shore road at the ocean beach, shall have been confirmed, the title to the concourse or lateral beach or shore road shall vest in the county of Kings in fee-simple absolute, and said reports, together with the maps hereinbefore referred to, shall be filed in the office of the clerk of the county of Kings, and the said park commissioners shall be thereupon authorized to improve the said avenue and one hundred feet road, and said concourse, lateral branch or shore road at the ocean beach, according to a plan to be devised or adopted by them; and for that purpose they may cause the same to be graded, paved, curbed, guttered and bridged, and shade trees planted thereon, and may lay out and construct such carriage-ways, sidewalks and areas, with such terraces, drives or concourses on the ocean beach as they may

Title,
when it
shall vest
in the
county.

Reports
and maps
to be filed.

deem expedient, and such improvements may be made in sections and from time to time, if they shall so elect.

Expenses. § 8. All expenses incident to such improvements, or either or any of them, after having been duly certified by the said park commissioners to the said commissioners of estimate and assessment, shall be by them apportioned and assessed upon the property in their judgment benefited thereby within the several districts of assessment so to be fixed by the said park commissioners. The expense of constructing the drive and concourse on the ocean beach, as well as of such bridges as may be required for such park-way, not exceeding the sum of fifteen thousand dollars, shall be a charge on the county of Kings, and of the expense of constructing the said park-way south of a point which is distant fifteen hundred feet southerly from the neck road, so called, not exceeding one-half shall be charged and assessed against the property in the judgment of the commissioners benefited by said improvement, and so much thereof as shall be charged and assessed against the county of Kings either for the opening or improvement thereof, the supervisors of the said county are hereby directed to raise by tax, upon the requisition of the park commissioners, and the county treasurer to pay the proceeds thereof to the persons entitled to receive the same upon like requisition. And the reports of the commissioners of assessment shall be subject to objection and appeal and to confirmation, in the same manner as their said former assessment reports; but the expenses of no portion of said park-way shall be a charge upon the county of Kings.

Assessments made and confirmed to be liens, &c. § 9. All assessments made and confirmed in pursuance of this act shall be liens upon the lands and premises upon which they shall have been laid, and such lands and premises shall be subject to be sold for the assessments referred to in the fifth and sixth sections of this act, if such assessments are not paid within ninety days after the confirmation thereof. The present existing provisions of law, applicable to sales for taxes and assessments in the city of Brooklyn, to redemptions and leases therefor, and to the respective rights of the parties interested therein, including the rate of interest to be paid by the parties in default, shall apply to all assessments to be laid under this act, whenever they are not inconsistent therewith. And when any duties are, by said laws, imposed upon the common council of said city, they shall devolve upon the said park commissioners; and where imposed upon subordinate officers of the city, they shall be performed by persons to be specially appointed by the said park commissioners.

Duties of park commissioners. **Collectors to be appointed.** § 10. The said park commissioners may appoint one or more collectors of all assessments to be laid under this act, who shall severally give bonds for the faithful performance of their duties, and for the prompt payment of all the moneys to be collected by them. The collector of any assessment shall be entitled to receive a compensation of one per cent. on all moneys paid to him within two weeks after he shall have published notice in said newspapers twice a week for four weeks of the time and place where he will attend to receive payment. After the expiration of six weeks from the first publication of the said notice, the collector shall be entitled to three per cent. on all moneys thereafter to be collected by him, and in either case his compensation shall be paid by the party assessed, over and above his assessment and as part thereof, and the lien of the assessment shall extend to such compensation, except that no fees shall be allowed for the collection of the amount assessed against the county of Kings. In case any assessment shall remain unpaid after the expiration of the time

Compensation of collectors.

Lien.

above specified, the collector shall proceed to sell at public auction for the lowest term of years for which any person will take the same and pay the amount so remaining unpaid, with interest from the time of the confirmation of the assessment report, together with two per cent. for collector's fees, and three dollars on each parcel in addition for the expenses of advertising and sale, and said collector first giving thirty days' notice of the time and place of sale, by publishing the same in two daily newspapers printed in the county of Kings twice a week for three weeks. Upon a sale being made the said collector shall give certificates of sale to purchasers and shall also execute and deliver conveyances of the lands so purchased, unless the same shall have been redeemed by an owner, lessee or mortgagee thereof within two years from the time of sale, by paying to the purchaser, or to the said Brooklyn park commissioners, for his use the amount paid by him, with interest at the rate of twelve per cent. per annum. The said certificates of sale shall be recorded by the purchasers in the office of the register of deeds in and for the county of Kings, and shall constitute liens upon the premises therein described, after the same shall have been so recorded, and shall take precedence of all other liens, except for unpaid taxes or assessments. And all interest to be collected at the said sale shall be credited and paid pro rata among all parties entitled to receive awards upon the said opening. Upon the final collection of any assessment to be made under this act it shall be paid over by the said park commissioners to the several persons entitled to receive the same.

Sale, when and by whom made.

Notice thereof.

Certificates of sale and conveyances.

Certificates to be recorded.

To be liens.

§ 11. After the said avenue shall have been opened, the said avenue, and the concourse lateral branch or shore road, at the ocean beach, shall be under the exclusive charge and management of the said park commissioners, and they shall make and enforce rules and regulations for the proper use thereof. And after the said avenue and shore road shall have been improved as hereinbefore directed, its subsequent maintenance shall be a charge upon the city of Brooklyn, and such amounts as the said park commissioners shall, from time to time, by resolution, determine to be necessary for the purpose, shall be annually raised by the board of supervisors of the county of Kings, and collected in the taxes of the then current year, and paid over to the said park commissioners.

Avenue, &c., to be under the charge of park commissioners.

Maintenance a charge upon the city.

§ 12. The said commissioners of estimate and assessment shall be severally entitled to receive three dollars a day for each and every day necessarily employed in the discharge of their duties, and their compensation, with room-hire, stationery and other necessary expenses, together with the compensation of the surveyor, counsel and other persons to be necessarily employed under the foregoing provisions of this act (and who are hereby directed to be employed by the said park commissioners), shall be included in the general expenses to be incurred herein.

Compensation of commissioners of estimate.

§ 13. This act shall take effect immediately.

Chap. 584.

AN ACT to incorporate the Newtown Savings Bank.

Passed May 26, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Corpora- tors.	SECTION 1. William S. Worthington, J. Benselin, Warren F. Shattuck, Louis Hamann, Philip Rambold, S. Fisk Worthington, Emil Sauer, Edward H. Weber, John G. Graff, Louis Windmuller, D. Sackett Moore, William S. Wood, and their successors, shall be and they are hereby constituted a body corporate and politic, by the name of New- town Savings Bank, to be located in the town of Newtown, and by that name shall * perpetual succession, and may sue and be sued in any of the courts of this State.
Corporate name and location.	
First trus- tees.	§ 2. The persons named in the first section of this act shall be the first trustees of the said corporation, and all vacancies in the office of trustee shall be filled by the board, by ballot, without unnecessary delay, and the vote of a majority of the remaining members of the board shall be necessary to elect a trustee.
Vacancy, how filled.	
President, vice-presi- dents, &c.	§ 3. The business of the said corporation shall be managed and directed by said board of trustees, who shall elect from their number a president and two vice-presidents, and may elect from their number, or otherwise, such other officers as they may deem expedient ; and the vote of a majority of a full board of trustees shall be requisite for the appointment of any officer receiving a salary therefrom, or to fix or to increase the salary of any officer.
Salary.	
Trustee, officer or servant, not to bor- row of the corpora- tion, &c.	§ 4. No person being a trustee shall, directly or indirectly, receive any pay or emolument for his services, and no trustee, officer or servant of said corporation shall, directly or indirectly, for himself or as the agent or partner of others, borrow any of the funds of the said corporation, or its deposits, or in any manner use the same, or any part thereof, except to make necessary current payments, or to make investments, or to deposit for safety, under the direction and by authority of the board of trustees ; nor shall any trustee, officer or servant of said corporation be an indorser or surety, or in any manner be an obligor, for moneys loaned by or borrowed of the said corporation.
Not to be indorser.	
Quorum.	§ 5. A quorum of said board of trustees shall consist of not less than five, of whom the president or one of the vice-presidents shall be one ; and it shall be lawful for the trustees, in their by-laws, to provide for a larger quorum ; but less than a quorum shall have power to adjourn from time to time, or until the next regular meeting.
Meetings of the board of trustees.	§ 6. A regular meeting of the board of trustees shall be held once in each month, to receive the reports of their officers, and transact such other business as may be necessary ; and the trustees may, in their by-laws, provide for calling special meetings ; and any trustee omitting to attend the regular meetings of the board for six months, unless previously excused by a vote of the board, shall thereby vacate his office as trustee, but may, in the discretion of the board, be eligible to a re-election.
By-laws.	§ 7. The board of trustees of said corporation shall have power, from time to time, to make such by-laws, rules and regulations as they may think proper for the election of officers, for prescribing their respective

powers and duties, and the manner of discharging the same, for the appointment and duties of committees, and generally for transacting, managing and directing the affairs of the corporation; provided, such by-laws, rules and regulations are not repugnant to nor inconsistent with the provisions of this act, the Constitution and laws of this State or of the United States. Proviso.

§ 8. The general business and object of the corporation hereby created shall be to receive on deposit any sum or sums of money that may be offered for that purpose, by any person or persons, or by any religious or charitable corporations or societies, and to invest the same, and declared * credit and pay dividends or interest thereon, as hereinafter authorized, and not otherwise; and all certificates or other evidences of deposit, made by the proper officer of said corporation, shall be as effectual to bind the corporation as if executed under the common seal thereof. Business and object.

§ 9. It shall be lawful for the trustees of the corporation to invest the moneys deposited with them, and the gains or profits thereof, only as follows, namely: Investments.

1. In the stocks or bonds, or interest-bearing notes or certificates, of the United States. In U. S. stocks.

2. In the stocks or bonds or evidences of debt bearing interest, of this State. State stocks.

3. In the stocks or bonds of any city or county, town, issued pursuant to the authority of law. City or county bonds.

4. In bonds secured by mortgage on improved, unincumbered and productive real estate, situate in this State, worth at least twice the amount loaned thereon; but not to exceed forty per cent. of the assets of the corporation shall consist of such bonds and mortgages. Bonds and mortgages.

5. It shall be lawful for the corporation to purchase, hold and convey real estate only as follows: 1. A lot and banking-house requisite for the transaction of its business, and for an income from such portions of the same as are not required for its own use. 2. Such as shall have been purchased at sales upon statute or other foreclosure of mortgages owned by the corporation, or upon judgments or decrees obtained or rendered for debts due it for money loaned; and all such real estate as is described in the last two preceding clauses shall be sold by the trustees within five years after the same shall be vested in the corporation unless, upon application by the trustees, the Superintendent of the Banking Department shall extend the time within which such sale shall be made. Power to take, hold and convey real estate.

§ 10. In all cases of loans upon real estate, a sufficient bond or other personal security shall be required of the borrower, and all the expenses of searches, examinations and certificates of title or appraisal of value, and of drawing, perfecting and recording papers, shall be paid by such borrower. Personal security for loans.

§ 11. Whenever buildings are included in the valuation of any real estate, upon which a loan shall be made by said corporation, they shall be insured by the mortgagor for at least two-thirds their value, in such company of this State as the trustees shall direct, and the policy of insurance shall be duly assigned to the corporation; and it shall be lawful for said corporation to renew such policy of insurance, in the same or in any other company of this State as they may elect from year to year or for a longer or shorter term, in case the mortgagor shall neglect to do so, and may charge the same to him. And all the necessary Insurance.
Renewal of policy.

Expenses thereof. charges and expenses paid by said corporation, for such renewal or renewals, shall be paid by such mortgagor to the said corporation and shall be a lien upon the property so mortgaged until paid.

Corporation not to deal or trade in real estate, &c. § 12. It shall be unlawful for the said corporation, directly or indirectly, to deal or trade in real estate in any other case, or for any other purpose than as authorized in the ninth section of this act, or to deal or trade in any goods, wares, merchandise or commodities whatever, except as authorized by the provisions of this act, and except such personal property as may be necessary in the transaction of its business.

Loans. § 13. It shall be lawful for the trustees of the corporation, while awaiting opportunity for the judicious investment of the moneys deposited with them, as authorized and required by this act, to loan the same, or any part thereof, upon the securities mentioned in section nine of this act; but not exceeding ninety per cent. of the cash market value of such securities shall be loaned thereon; and should any securities depreciate in value after making a loan thereon, it shall be the duty of the trustees to require the immediate payment of such loan, or a part thereof, or additional security therefor, so that the amount loaned shall at no time exceed ninety per cent. of the market value of the securities pledged therefor.

Investment of deposits. § 14. It shall be the duty of the trustees of said corporation, as soon as practicable, to invest the moneys deposited with them, and the gains or profits thereof, in the securities named in the ninth section of this act, except an available fund of not exceeding twenty per cent. of the deposits with said corporation, which the trustees may keep to meet current payments, and which may by them be kept on deposit in any bank or banking association, organized under any law or laws of this State or of the United States, or with any trust company incorporated by any law of this State, upon such terms as may be agreed upon; but the sum so kept on deposit in any one bank or trust company shall not exceed twenty per cent. of the capital of such bank or trust company, and shall not exceed twenty-five thousand dollars, or ten per cent. of the whole amount of deposits with this said corporation; or such available fund, or any part thereof, may be loaned by the trustees on call, or on notice not exceeding ten days, upon the securities and in the manner provided in the last preceding section of this act.

Exception of available fund.

Amount thereof.

May be loaned on call.

Repayment to depositors, regulations therefor. § 15. The sums deposited with the said corporation shall be repaid to the depositors thereof, or their legal representatives, at such times and with such interest, and under such regulations, as the board of trustees shall from time to time prescribe, which regulations shall be put and kept up in some conspicuous place in the room where the business of the corporation shall be transacted, and shall also be printed in the pass-book of each depositor, but shall not be altered so as to affect any deposit previously made.

Deposit by alien, minors, or married women, how held. § 16. Whenever any deposit shall be made by any person being an alien or minor, or a female being or thereafter becoming a married woman, the same shall be held for the exclusive right and benefit of such depositor, and free from the control or lien of all persons whatsoever, except creditors, and shall be repaid, together with the dividends or interest thereon, to the person making the deposit, and the receipt or acquittance of such alien, minor or female shall be a valid and sufficient release and discharge for such deposit to the corporation.

In action by husband, wife may be a witness. § 17. In all actions in any court of this State, against the said corporation, by a husband to recover for moneys deposited by his wife in her own name, or as her own money, the wife may be examined and

testify as a witness in like manner as if she were an unmarried woman. And in all actions against the said corporation to recover for moneys on deposit therewith, if there be any person or persons, whether husband or wife, or otherwise, claiming the same fund, who are not parties to the action, the court in which such action is pending may, on the petition of said corporation, and upon five days' notice to the plaintiff and such claimants, make an order amending the proceedings in said action, by making such claimants parties defendant thereto; and the said court shall thereupon proceed to hear and determine the rights and interests of the several parties to said action in and to said funds. The said funds or deposits which are the subject of the said action may, in the discretion of the court, remain with said corporation at the same rate of interest as other deposits of the same class, to the credit of the action, until final judgment therein, and the same shall be paid by said corporation in accordance with the provisions of said final judgment. The question of costs in the actions referred to in this section shall, in all cases, be in the discretion of the court.

Claimant not a party may be brought in.

Fund may remain to credit of the action.

Costs.

§ 18. It shall be the duty of the trustees of the said corporation to regulate the rate of interest to be allowed to the depositors in such manner that they shall receive, as nearly as may be, all the profits of the said corporation, after deducting necessary expenses, and reserving such amount as the trustees may deem expedient or desirable as a surplus fund; which, to the amount of ten per cent. of their deposits, the trustees of said corporation are hereby authorized gradually to accumulate and hold, to meet any contingency or loss in its business; provided, however, that it shall be lawful for the trustees to classify their depositors according to the extent or duration or character of their dealings with the said corporation, and to regulate the rate of interest in such manner that each depositor shall receive a ratable proportion of interest with all others of the same class.

Rate of interest, how regulated.

Surplus fund.

Classification of depositors.

§ 19. The said corporation shall, every year, make reports to the Superintendent of the Bank Department, as required by law, and in such form as he shall prescribe, and the books of the said corporation shall, at all times during business hours, be open to the inspection of the Superintendent of the Bank Department, or of such other person as the Superintendent or the Legislature may appoint as his or their agent for that purpose. Whenever any agent shall be appointed to make any such examination, he shall be paid for his services by such corporation such sum as the Superintendent of the Bank Department shall certify to be just and reasonable.

Annual reports, &c.

§ 20. The Supreme Court may, at any time, on the application of any trustee or depositor in said savings institution, and on reasonable cause shown therefor to the satisfaction of said court, appoint one or more persons to examine into the investments of said savings institution, and its affairs and business generally. The books, papers and business of said savings institution shall be open and subject to the examination of such person or persons, and the trustees, officers and clerks thereof, or any other person, may be examined on oath by such person or persons; and the same court may confer such further powers on the person or persons so appointed as they may consider necessary for the more thorough and perfect examination of the affairs and business of said corporation. The said person or persons so appointed shall report the result of their investigations to the said court, which, if satisfied thereby that any officer, trustee or servant of said corporation has been guilty of any fraud or misconduct, may remove such person or persons, and make such further order and take such further measures for securing the

Supreme court may appoint persons to examine into investments, &c.

Report.

Power of court to secure funds, &c.

funds and property of said corporation as the said court shall deem expedient.

Misnomer
not to
vitiate.

§ 21. The misnomer of said corporation in any instrument shall not vitiate or impair the same if it be sufficiently described to ascertain the intention of the parties.

General
laws
made ap-
plicable.

§ 22. The corporation hereby created shall be subject to the provisions of the eighteenth chapter of the first part of the Revised Statutes, and all other general laws affecting savings institutions, so far as the same are applicable; and this act may be repealed, or altered, or amended, at any time hereafter.

§ 23. This act shall take effect immediately.

Chap. 585.

AN ACT to incorporate the Brooklyn Elevated, Silent, Safety Railway, for the purposes of providing rapid transit through the city of Brooklyn, Kings county, to Wood Haven, in the town of Jamaica, in the county of Queens, and the State of New York, and to provide for constructing and operating a railway therefor.

Passed May 26, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corpora-
tors.

SECTION 1. Jacob Cole, Cornelius B. Payne, John H. Burtis, John Q. Kellogg, Joseph F. Bridges, Adrian M. Suydam, John Olmstead, Gillian Schenck, John H. Atwater, Robert Irwin, Abraham Lott, William Pickhardt, Noyes G. Palmer, John M. Phelps, Samuel M. Meeker, John L. Marcellus, Thomas J. Henderson, J. Lester Keep, A. C. Brownell, Frederick T. Parson, Florian Grosjean, M. C. Earl, Ditmas Jewell, Andrew J. Moses, Benjamin F. Clayton, John L. Nostrand, Horatio A. Carter, Samuel Huxham, David A. Morris, their associates, successors or assigns, or a majority of the same, are hereby created a body corporate and politic, by the name of Brooklyn Elevated, Silent, Safety Railway Company,* and by that name shall have succession. The capital stock of said company shall be five millions of dollars, divided into fifty thousand shares of one hundred dollars each; and the said company shall not be authorized to commence business until five hundred thousand dollars shall have been paid in in cash.

Corporate
name.

Capital
stock.

Board of
directors,
election
of.

§ 2. The business and affairs of said corporation shall be managed by a board of not less than nine directors, to be elected within six months of the passage of this act, by the above-named corporators, or their legal representatives or assigns, the first five of whom may name the day when, and the place where, such election shall be held, and the number of directors to be chosen, and shall give due notice thereof to each of said corporators hereinbefore named, which notice shall be delivered or mailed to their respective places of abode or business, at least ten days prior to the time of such election. And such of said corporators as shall attend such election in person, or be represented by proxy or power of attorney, shall appoint two tellers to conduct such election and declare the result. And the directors thus chosen shall hold their

Notice.

* So in original.

office for one year, and until others are chosen in their places, as herein provided. And an election shall be held annually thereafter, upon notice of ten days being given in at least two of the daily newspapers published in Kings county. And the persons owning the majority of the stock then present, or represented by proxy at such election, shall elect the requisite number of directors in place of those whose terms of office has expired; each stockholder shall be entitled to one vote for each share of stock held by him. All vacancies occurring in the board of directors, by resignation or otherwise, shall be filled by the remaining members of said board for the remainder of the term.

Term of
office.
Annual
election.

Vacancies.

§ 3. Said corporation is hereby authorized and empowered to construct, maintain and operate an elevated railway between the proposed terminus, on the Brooklyn side of the East river suspension bridge and Wood Haven, in the town of Jamaica, county of Queens, and State of New York; said railway to be erected on the following streets and avenues, or portions thereof, namely: Commencing at the crossing of Washington and Sands streets, thence along Washington street to York street, thence along York street to Hudson avenue, thence along Hudson avenue to Park avenue, thence along Park avenue to Grand avenue, thence along Grand avenue to Lexington avenue, thence along Lexington avenue to Ralph avenue, thence along Ralph avenue to Marion street, thence along Marion street to Broadway, thence along Broadway to Fulton avenue in East New York, in the town of New Lots, county of Kings; thence along Fulton avenue to and through Wood Haven, in the town of Jamaica, county of Queens, or on such streets and avenues as may be named by the mayor and common council of the city of Brooklyn as being more suitable for carrying out the objects contemplated in the erection of said elevated railway. And, in all cases, the use of any streets, avenues, highways, public places or property for the purposes herein authorized shall be considered a public use, consistent with the uses for which the city of Brooklyn or the public authorities of the counties in which said railway or its branch shall run, shall hold such streets, avenues, highways, roads, public places and property.

Corporation may
construct
railway.
Terminal
and route.

Use of
streets
&c., a
public
use.

§ 4. Said corporation is hereby empowered to construct, maintain and operate such turn-outs, sidings, stations, platforms, depots, stairways, telegraph and signal apparatus and repair shops, as may be necessary and proper for the successful maintenance and operation of such railway as contemplated in this act, and to convey passengers, mails and merchandise, in cars to be propelled by steam or other motive power, for pay, over said road. The rate of fare for carrying passengers shall not exceed five cents for the first two miles, and an additional sum of one cent per mile may be charged for any additional distance. Said railway shall be exclusively for the use and purposes of said corporation, and it shall not be lawful for any person or persons, other than a public officer in the execution of his duties as such, with his agents and assistants, to enter upon or pass through or over the same, or any portion thereof, on foot or in any other way than in the proper cars provided for that purpose, without the consent of said corporation, under a penalty of fifty dollars for each offense, to be recovered by said corporation.

Turnouts,
sidings,
&c.

Motive
power.

Fare.

Penalty.

§ 5. The said elevated railway shall be constructed as follows, namely: Iron columns shall be placed on each side of the street, avenue or roadway, on a line with the curbstones, said columns to be firmly bolted to concrete foundations of suitable size and shape to insure perfect firmness in all cases, said foundations and the location of them to be subject to the approval of the chief engineer of the board of

Railway,
manner of
construction.

city works of the city of Brooklyn, or such officer as shall sustain that relation to the city government. Iron girders not more than thirty-six feet in length shall be placed across the streets and avenues, and be properly attached to the tops of said columns. The beams forming supports, from girder to girder, for the car tracks, shall be placed on the tops of, and properly attached to, said cross girders. Said railway shall have an elevation of not less than fourteen feet from the surfaces of the streets, avenues and roadways over which the same may pass. The structure for said railway shall be strong enough in all its parts to insure a safe support for trains of cars and motors of a maximum weight of twelve thousand pounds each, and a train on each track running at a speed not to exceed thirty miles per hour. There shall be no decking or flooring made use of to obstruct light and ventilation, except the necessary platforms at the stations; but it shall be the duty of said corporation, when so required by the mayor and common council of the city of Brooklyn, or the public authorities of the county of Queens, to cause blinds or screens to be put on said railway for the purpose of preventing horses, while standing or passing beneath, from seeing the cars and motors in motion, and said blinds or screens shall be constructed so as to allow free circulation of light and air. There shall be no steam, smoke, ashes or cinders allowed to escape from the motors while in motion. The rail beams of said railway and the running gear of the cars and motors shall be so constructed and adapted to each other as to preclude all possibility of the cars or motors leaving the tracks. Suitable means or devices shall be made use of to cause the rails and the wheels of the cars and motors to be as non-sonorous as possible. Said railway shall have two tracks, and the construction of said road shall be commenced at East New York, and proceeded with continuously from the place of beginning towards the westerly terminal point as aforesaid, and in no case shall said road or any portion thereof be built or commenced at any point westerly of East New York until all of such road between such point and said East New York has been completed.

§ 6. The said corporation is hereby authorized to construct, maintain and operate, in connection with said railway, a branch commencing at or near by the corner of Hudson avenue and York street; thence along Hudson avenue to Plymouth street; thence along Plymouth street to Main street; thence along Main street to Water street; thence along Water street to or near by the Fulton ferry.

§ 7. For the purpose of constructing, maintaining and operating said railway, said corporation is hereby empowered to enter upon and across the several streets, avenues, squares and lands hereinbefore provided for, and into and upon the soil of the same, in all and any manner necessary to construct, maintain and operate the said railway, along the routes and to the points herein specified and contemplated. To secure the necessary foundations for the columns or other structures which may be required to insure perfect safety and stability of construction, for the maintenance and operation of said railway, it shall be lawful for the said corporation to make such openings and excavations in said streets, avenues and squares over which the said railway shall be constructed, as shall be necessary from time to time, and make such foundations therein and thereon as will secure stability and firmness. The character and location of all such foundations made within the boundaries of the city of Brooklyn, shall be subject to the inspection and approval of the chief engineer of the board of city works, or other officer as heretofore provided; said foundations must not interfere in

Elevation.

Screens.

Steam,
smoke &c.Construc-
tion,
where to
be com-
menced
and how
proceeded
with.Branch,
route of.Right to
enter
streets,
&c.Openings
and exca-
vations in
streets,
&c.

any way with the public sewers or gas and water-mains, as they may exist at the time said foundations shall be made; the surfaces around all of said foundations shall be restored to the condition they were found in, as near as possible, without unnecessary delay. And whatever temporary structures may be required during the building of said railway, shall be put up in a safe and workmanlike manner, and so as not to interfere with the public travel or use of said streets and avenues. But no public square shall be taken or interfered with unless the company first obtain the consent of the common council of the city of Brooklyn thereto.

Sewers,
&c., not
to be in-
terfered
with.

Tempo-
rary struc-
tures.

Public
square.

§ 8. The said corporation may, upon agreement of parties, issue or deliver stock in payment of the amounts to be paid for any real estate, personal property, rights, franchises, or interests purchased, leased, or otherwise acquired by it for the construction, maintenance and operation of said railway and its branch, for the equipment of the same, and for any of the purposes authorized by this act; which stock so applied or appropriated shall be taken and deemed to be full paid-up stock.

Corpora-
tion may
issue stock
in pay-
ment for
property,
&c.

§ 9. The directors aforesaid are hereby required to open books of subscription to the bonds or stock of said corporation, and shall give at least ten days' notice, to be published in at least two of the daily papers in the county of Kings, of the place or places where said books shall be opened, that an opportunity may be given to those who desire to subscribe for said bonds or stock, and said books shall be kept open for at least thirty days; and in the event of a larger amount being subscribed than the capital stock of said corporation, then such subscribers shall be entitled to a pro rata number of shares of said stock, but each subscriber shall, at the time of subscribing, pay to the treasurer of said corporation ten per cent. of the par value of each share so subscribed.

Subscrip-
tion to
bonds or
stock.

§ 10. The corporation hereby created shall possess all the rights, powers and privileges, and be subject to all the provisions of an act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, and the several acts amendatory thereof, except as far as the provisions of said act and amendments are modified by or are inconsistent with the provisions of this act.

General
rights,
powers,
&c.

§ 11. The legislature may at any time alter, amend or repeal this act.

§ 12. The company hereby created shall commence the construction of their road within two years from the passage of this act and shall complete it within three years thereafter, and failing therein shall forfeit the rights acquired by them under this act.

When
company
must com-
mence
and com-
plete
road.

§ 13. This act shall take effect immediately, and the term of existence for said corporation shall be fifty years.

Chap. 586.

AN ACT to repeal chapter one hundred and sixty of the laws of eighteen hundred and seventy-two, entitled "An act to establish a board of health and of vital statistics in the county of Richmond, and to define its powers and duties."

Passed May 29, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Repeal.

SECTION 1. Chapter one hundred and sixty of the laws of eighteen hundred and seventy-two, entitled "An act to establish a board of health and of vital statistics in the county of Richmond, and to define its powers and duties," passed April second, eighteen hundred and seventy-two, is hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 587.

AN ACT to amend an act entitled An act to provide a charter for the village of Oneida, passed April twenty-sixth, eighteen hundred and sixty-nine.

Passed June 1, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-five of an act entitled An act to provide a charter for the village of Oneida, passed April twenty-sixth, eighteen hundred and sixty-nine, is hereby amended so as to read as follows:

Chief engineer and assistants to be elected.

§ 25. The chief engineer of the fire department and his assistants shall be elected by the firemen of the village on the first Tuesday evening in May of each year. The election shall be by ballot, polls to be opened at seven o'clock and closed at eight o'clock, and the persons receiving the greatest number of votes shall be declared elected, subject, however, to the approval of the board of trustees. The result of said election shall be certified to the board of trustees, and if said board shall approve the officers so elected they shall thereupon become the officers of said fire department for the ensuing year. If said officers or any of them shall not be approved, said board shall order a new election, and fix the time and place of holding the same, at which new election the said firemen shall elect, by ballot, new officers in place of those not approved. And in case the officers so elected at said second election shall not be approved by said trustees, the board shall thereupon elect, by ballot, officers in place of those not approved.

Approval of board of trustees.

If officers not approved, board to order new election.

§ 2. This act shall take effect immediately.

Chap. 588.

AN ACT to provide for the completion and improvement of Sackett, Douglass and Degraw streets in the city of Brooklyn, and also for the collection and payment of all moneys expended or indebtedness incurred by said city on account of the improvement of such streets by the Brooklyn park commissioners.

Passed June 1, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections four, seven, nine and ten of an act of the Legislature, entitled "An act to widen portions of Sackett, Douglass and President streets, and otherwise to alter the commissioners' map of the city of Brooklyn," passed May sixth, eighteen hundred and sixty-eight, as amended, extended or enlarged by the acts amendatory of or supplemental to or said to be amendatory of or supplemental to such act are hereby (except as hereinafter amended) expressly re-enacted, and the powers granted, or purported or stated to be granted by such sections and acts are hereby expressly conferred upon the Brooklyn park commissioners and other officers and agents as therein set forth. Re-enact-
ment.

§ 2. All sums of money heretofore at any time paid or advanced to said park commissioners by said city, for or on account of the improvements mentioned in said sections of the act passed May sixth, eighteen hundred and sixty-eight, and the said amendatory and supplemental acts, together with all sums hereafter to be advanced under the authority of this act, with all interest paid by said city, at the time of such assessment, on account of bonds issued to obtain the money so advanced, shall be assessed, levied and collected in the manner provided in and by this act, it being the true intent and meaning of this act to make the sums heretofore expended for such improvement a charge on the same district, and assessable and collectable in the same manner as though such sums had been expended after the passage of this act. Moneys to
be assessed,
levied
and collected.

§ 3. Section four of the act passed May twenty-second, eighteen hundred and seventy-three, supplemental to the aforesaid act passed May sixth, eighteen hundred and sixty-eight, is hereby amended by substituting the words "the board of supervisors of Kings county" for the words "the joint board of supervisors and common council of said city," in such section, it being the true intent and meaning of this section to cause the assessment therein referred to be levied by the said board of supervisors instead of by the joint board therein referred to, and the said section is hereby further so amended that the tax or charge therein referred to shall not be collected by said joint board but shall be collected by the officers of said city authorized to collect taxes therein. Board of
supervisors
to levy
assess-
ments.

§ 4. Section five of the act last above referred to is so amended that payments therein allowed to be made to the comptroller shall be made to the collector of taxes and assessments of said city. Payments
to be
made
to col-
lectors.

§ 5. This act shall take effect immediately.

Chap. 589.

AN ACT to amend "An act to amend the charter of the city of Brooklyn and the various amendments thereof," passed June twenty-eight, eighteen hundred and seventy-three, and to further amend the charter of the city of Brooklyn.

Passed June 1, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section eight of title one of chapter eight hundred and sixty-three of the laws of eighteen hundred and seventy-three, entitled "An act to amend the charter of the city of Brooklyn and the various amendments thereof," passed June twenty-eighth, eighteen hundred and seventy-three, and to further amend the charter of the city of Brooklyn, is hereby amended so as to read as follows :

Seventh
ward,
bound-
aries of.

§ 8. The seventh ward of said city shall comprise the following districts, namely : Beginning at a point formed by the intersection of the middle lines of Bedford and Flushing avenues, running thence southerly along the center line of Bedford avenue to its intersection with the middle line of what was known as Clove place, and thence westerly along the middle line of what was known as Clove place to the middle line of Franklin avenue ; thence southerly along the middle line of Franklin avenue to the middle line of Atlantic avenue ; thence westerly along the middle line of Atlantic avenue to the middle line of Washington avenue ; thence northerly along the middle line of Washington avenue to the middle line of Flushing avenue ; thence easterly along the middle line of Flushing avenue to the point or place of beginning.

Election
of alder-
men.

§ 2. Title two, section two, is hereby amended by striking out the last word "seventy-five" and inserting in place thereof the word "seventy-four."

§ 3. The second subdivision of the thirteenth section of the second title of the said act is hereby amended by inserting at the end thereof the following :

Powers of
board of
aldermen.

And to examine into any charges preferred against any officer, clerk or agent of the city, and into the affairs of any corporation, department or board in which the city may be interested, and for this purpose they shall have access to all the records thereto pertaining, and have the power to send for persons, books or papers, to administer oaths and to examine witnesses.

§ 4. Section ten of title two is hereby amended so as to read as follows :

Ordinan-
ces, &c.,
to be pre-
sented to
the mayor
for ap-
proval.

§ 10. Every ordinance or resolution of the board of aldermen shall, before it takes effect, be presented, duly certified, to the mayor, and the approval of the minutes by the said board shall be conclusive evidence that the said ordinance or resolution has been so presented to the mayor. If he approves of it he shall sign it ; if not, he shall return it with his objections, and file it with the clerk within ten days after he receives it ; the said board shall, at its first regular meeting thereafter, enter the objections at length upon its journal, and cause said objections to be published in the corporation newspapers, after which publication it shall proceed to reconsider the same, and if two-

Veto
power.

thirds of all the members elected shall then agree to pass the same, it shall take effect as a law ; but in every such case the votes shall be taken by ayes and nays, and entered on the journal. And if such ordinance or resolution shall not be returned by the mayor within ten days after he has received it, it shall become a law in like manner as if he had signed it. But no such ordinance or resolution shall take effect in any sense, until the day following the next regular meeting of the board, except by the unanimous consent of the board, in which case it shall take effect upon being approved by the mayor, and no debt or obligation of any kind shall be created by said common council against said city except by ordinance or resolution of said common council, specifying the amount and object of such expenditure.

§ 5. Section eighteen of title two is hereby amended so as to read as follows :

§ 18. The common council shall designate four daily newspapers (one of which shall be printed and published in the eastern district of said city, and one of which shall be published in the German language having the largest actual average daily circulation therein), in which shall be published all the ordinances, resolutions, notices, tax and assessment sales, and all other proceedings which by this act or any other act are or may be required to be published affecting said city, provided that the aggregate expenditures shall not exceed sixty thousand dollars per annum, exclusive of tax and assessment sales, which shall be published by said papers at rates to be fixed by the common council ; and further provided, that such papers as have been heretofore designated as corporation newspapers shall continue to act as such until the common council shall, by a two-third vote of all the members elect, designate other papers in place of them, or either of them.

Designation of newspapers for publishing ordinances, &c.

Amount of expenditures limited.

§ 6. Section twenty of title two of said chapter shall read as follows :

§ 20. The commissioners of the sinking fund, together with the supervisor at large and the treasurer of the county of Kings, shall be a board of estimate who shall, on or before the first day of June in each year, estimate the amount required to be raised by law in said city and county for all city and county purposes, including the moneys raised for the board of education and the commissioners of charities for the year commencing on the first day of January then next, stating separately what will be required for city and county purposes respectively. The amount so raised for city and county purposes shall not exceed two cents and three mills per dollar upon an amount equal to the aggregate of the assessed value of the property in said city for the previous year ; and no greater amount shall be raised in said city by tax for such purposes. All city and county departments, including the park commissioners and the commissioners of charities, and the board of supervisors of Kings county shall, on or before the fifteenth day of May, in each year, transmit to the said board of estimate a statement, in detail, of the several amounts which, in their judgment, will be required for the use of the said departments and commissioners respectively ; and the said board of estimate shall revise and determine the amount that shall be raised for such purposes in the next annual taxes ; provided, that nothing herein contained shall prevent the raising, by tax, any further moneys which shall be required for the purpose of paying any portion of the principal or interest of the bonded debt of said city, or the said county, to become due. The said board of estimate shall, annually, present their said estimate of the amount to be raised for city purposes, as aforesaid, to common council, who shall meet on the first Tuesday in June, in each year, and then, or as

Board of estimate.

Departments to make annual statement.

Board of estimate to determine amount to be raised.

Common council to determine amount necessary to defray expenses, &c.

soon thereafter as practicable, and before the first Tuesday in July, proceed to determine, by a majority of at least two-thirds of all the members elected, what sums will be necessary to defray the expenses and liabilities of said city for the year to commence on the first day of January then next; but the aggregate amount of all sums so determined to be raised for city purposes shall not exceed the total amount of the estimate of said board of estimate for such purposes.

St. Mary's hospital.

§ 7. Section twenty-three of title two is hereby amended by adding at the end thereof, the words following: For the St. Mary's Hospital, Dean street, the sum of fifteen hundred dollars.

§ 8. Section four of title three is hereby amended so as as to read as follows:

No city officer to hold two offices.

§ 4. No person so elected or appointed shall, during his term of office, hold any other public office whatever (except that of commissioner of deeds and notary public), the fees or emoluments of which are paid out of the city treasury, or who shall be directly or indirectly interested in any contract to which the city or any department thereof, is a party; and the holding of any such other office or official position shall be deemed and held to be a vacation of the office to which he was elected or appointed. And no person so elected or appointed shall receive any compensation whatever, except his salary fixed by law or ordinance for any services performed or work done under any public authority. The persons so elected or appointed shall severally execute a bond to the corporation, in such penalty and with such sureties as the common council shall require, conditioned for the faithful performance of their respective duties. In case such officers shall refuse or neglect, for ten days after being notified of their election or appointment, to execute or deliver to the city clerk, and in case of the city clerk to the comptroller, the bond herein required, such neglect or refusal shall be immediately reported to the common council, who may declare such office vacant; and thereupon the mayor shall nominate, and, with the consent of the board of aldermen, appoint proper persons to fill such vacancies. Such sureties shall justify in such form as the common council shall prescribe, and the bonds thereby required, after having been fully approved, shall be filed in the office of the city clerk, except that the bond of the city clerk shall be filed in the office of the comptroller, before any one of the officers required to execute the same shall enter upon the duties of their respective offices. Every person elected or appointed to any office in pursuance of this act, or of any law or ordinance of the common council, shall, before he enters upon the duties of such office, take and subscribe before the mayor, city clerk, or some person authorized to administer the same, the constitutional oath of office of this State, and file the same in the office of the city clerk; and if any such person shall neglect to take such oath for ten days after receiving notice of his election or appointment, unless prevented by unavoidable absence from the city, or by sickness, from doing so, he shall be considered as having declined said office, and the same shall be deemed vacant; and whenever such vacancy shall occur, the mayor shall nominate, and with the consent of the board of aldermen appoint, suitable persons to fill such vacancies.

Official bond.

Official oath.

§ 9. Section twelve of title three is hereby amended so as to read as follows:

Mayor to nominate heads of departments.

§ 12. The mayor shall, except as herein otherwise provided, nominate, and with the consent of the board of aldermen, appoint the heads of the several departments and the assessors, as hereinafter mentioned. The mayor shall also have the power to suspend any officer appointed

by him, and it shall be his duty to report the fact of such suspension, together with the reasons therefor, to the board of aldermen at the next meeting thereof. The board of aldermen may thereupon, and for cause, remove such suspended officer, by a vote of two-thirds of all aldermen elected, provided that no such removal shall take place until the said party sought to be removed has had an opportunity to be heard in his defense. Whenever any such removal shall take place, the cause therefor, together with the ayes and noes upon the vote taken, shall be entered at large upon the journal of the board of aldermen. If the final vote shall be against such removal, such suspension shall cease and determine.

Removal
from
office.

§ 10. Section two of title four of said act is hereby amended so as to read as follows:

§ 2. No bonds, stock or other obligations of the city of Brooklyn hereafter to be issued, shall be sold, unless bids for the same shall be advertised for * the comptroller in the corporation newspapers, and also in two daily newspapers, published in the city of New York, to be designated by the comptroller, for at least ten days; and all such bonds, stocks and obligations shall be awarded to the highest bidder therefor, by the mayor and comptroller, after publicly opening such bids by them; provided that no bonds, stock or other obligation shall be sold for less than their par value and accrued interest, unless with the consent of the mayor, comptroller and finance committee of the board of aldermen. The mayor and comptroller may reject all bids which they consider not for the advantage of the city.

Sale of
city
bonds, &c.

Not to be
sold at less
than par.

§ 11. Section four of title four of said act is hereby amended so as to read as follows:

§ 4. All stocks, bonds and securities of the city of Brooklyn, hereafter issued, shall bear not more than seven per cent. interest per annum, and shall be negotiated and disposed of by the mayor and comptroller. The comptroller shall keep careful accounts of the same in his office, and shall prescribe the forms of all such obligations, and sign the same jointly with the mayor; but no stock, certificate, bond or other obligation shall be delivered by them for any loan to the corporation until the amount has been actually deposited in the city treasury, and the receipt for the money is produced and filed in the comptroller's office.

Stocks,
&c., rate
of interest
of.

§ 12. Section two, title six, of the said chapter shall read as follows:

§ 2. It shall be the duty of the treasurer to keep books showing at all times the condition of the several appropriations, and such other particulars as may be directed by the comptroller; but no warrant shall be paid on account of any appropriation, or be charged to any account unless there is a balance equal to the amount of such warrant standing to the credit of the proper account, and applicable to such warrant; provided, that if the comptroller shall deem it inadvisable to effect a sale of bonds at any particular time, he may, with the consent of the mayor, overdraw any of the accounts which are made up from the moneys received from the sale of bonds, but such overdrafts shall in no case exceed the amount for which bonds may be issued by the city under existing laws on the particular account so overdrawn; and it shall be the duty of the financial officers of the city to issue and sell such bonds when the money shall be needed by the city.

Treasurer
to keep
books.

Payment
of war-
rants.

§ 13. Section seven of title seven of said act is hereby amended to read as follows:

Abstract
of assess-
ments.

§ 7. The collector of taxes and assessments is hereby directed to prepare an abstract of each of the assessments for local improvements, the amount of which is directed by law to be included in or collected with the general taxes, showing first the amount of the respective assessments upon such parcel of land assessed, less any amount paid thereon; secondly, the installments which are to be collected in each year upon each lot, with interest added in those cases in which the interest is collected, and he shall furnish to the comptroller a duplicate of such abstract.

Unpaid
assess-
ments,
taxes and
water
rates, col-
lection of.

§ 14. Section three, title eight of said chapter, shall read as follows:

§ 3. Whenever any assessments, taxes or water rates shall remain unpaid for one year from the time the lists and rolls thereof were delivered to the collector of taxes and assessments, or to the registrar of water rates, and said lists and rolls, with accounts of unpaid items thereof, shall have been transmitted to the registrar of arrears, he shall proceed to collect all amounts so remaining unpaid, together with the default and interest due and chargeable thereon, and he shall possess all the powers in relation thereto as are conferred upon the collector of taxes and assessments by the second section of the seventh title of this act; and after any such amount shall have remained unpaid for two years from the date of delivery of the several rolls, lists and warrants, to the collector of taxes and assessments and the registrar of water rates, it shall be the duty of said registrar of arrears to cause lists thereof, signed by him, to be printed in the corporation newspapers, which shall contain a notice requiring all such unpaid assessments, taxes and water rates, with interest and expenses due and chargeable thereon, to be forthwith paid to said registrar at his office, or that in default of such payments on or before a day to be therein designated, which shall not be less than twelve weeks from the date of such notice, the lots and premises subject to the liens thereof, will be offered for sale at public auction according to law; such lists shall then describe the lot and premises subject to the liens aforesaid, specifying the ward numbers thereof, if there be any, also the street, avenue or road on which it fronts, on which side thereof, and between or near what streets it is situated, together with the name of the person to whom the same was assessed or taxed, and the name of the reputed owner or occupant if known to said registrar. He shall also readvertise and offer for sale all property heretofore offered for sale for unpaid taxes, assessments or water rates and remaining unsold; and shall also readvertise and sell all property which should have been advertised and sold under the provisions of law, and which has not in fact been so advertised and sold; such advertisement and sale to be of the same force and effect as if made at the time legally prescribed therefor.

Sale of
real estate
for pay-
ment of.

§ 15. Section ten of title ten shall read as follows:

Errors in
tax or as-
sessment,
rectifica-
tion of.

§ 10. The board of assessors shall have power to rectify any errors committed in the laying of any tax or assessment, as well for general purposes as for any local improvement, only in the following cases:

1st. When the error is entirely clerical.

2d. When there is a mistake in the name of the party taxed or assessed.

3. When the quantity of the real estate, or nature of the buildings and improvements thereon shall be erroneously given.

4. When the personal estate shall be over-estimated, and the party assessed shall have been prevented from inspecting the assessment rolls, by sickness or absence from the city, during the said time the same were open for examination and correction.

5. When the property has been assessed that was by law exempt from tax at the time the assessment was laid, such power shall be exercised only upon satisfactory proof of error; but no correction shall be valid until it shall have been certified to by the comptroller and the collector of taxes and assessments, and duly entered in red ink in the assessment list or lists in the department of collection.

§ 16. Section thirteen of title ten shall read as follows:

§ 13. In case any claim shall be presented for refunding a duplicate payment for an assessment, tax or water rate, accompanied by a receipt of any proper officer of the city therefor, such claim shall be referred to and be examined by the officer receiving such payment, and if the same shall be found valid and just, said officer shall prepare and certify a proper account therefor, to which shall be attached the receipt for such payment, and on being also examined and certified by the auditor and approved by the comptroller, it shall be the duty of the latter to cause a warrant upon the treasurer to be executed in favor of, and delivered to such claimant for the amount thereof, upon his giving a proper receipt for the same. All duplicate payments so refunded shall be charged by the comptroller and treasurer to the account which received credit for the amount when collected and deposited. In case any claim shall be presented for refunding the whole or part of any tax or assessment which has been paid, and is claimed to be erroneous by reason of any such error as is named in section ten of this title, the board of assessors shall examine, and if they find that such error has been made, shall certify the same and the amount thereof to the officer who received such payment, and subsequent proceeding shall be taken thereupon, the same as are hereinbefore provided for claims on account of duplicate payments.

Refund-
ing dupli-
cate pay-
ments.

§ 17. Section six of said title eleven is hereby amended so as to read as follows:

§ 6. The said board of police and excise shall divide said city into precincts, not exceeding one precinct to each thirty-six of the patrolmen authorized to be appointed. The said board may also establish sub-precincts, and assign, not to exceed three sergeants, two doormen, two roundsmen, and as many patrolmen as it may deem sufficient to each sub-precinct, and shall appoint a telegraph superintendent, three telegraph operators, and one assistant telegraph operator. It shall appoint as many captains of police as there may be precincts, and assign one captain, and as many sergeants, roundsmen, patrolmen and doormen as it shall deem sufficient to each precinct. It shall also appoint a counsel, and fix his compensation, which shall not exceed twenty-five hundred dollars, and appoint not to exceed five surgeons, and as many mounted sergeants, roundsmen and patrolmen as the common council shall authorize.

City to be
divided
into pre-
cincts.

Counsel,
surgeons,
&c.

§ 18. Section fifty of said title eleven is hereby amended so as to read as follows:

§ 50. Every owner of a steam boiler or boilers in use in the city of Brooklyn shall, annually, and at such times, and in such manner, and such form as may by rules and regulations be made therefor by the board, report to the board the locality of such steam boiler or boilers; and thereupon or as soon thereafter as practicable, the board shall cause to be inspected such steam boiler or boilers, and all apparatus and appliances therewith; but no person shall perform such duties unless he is a practical engineer, and the strength and security of each boiler shall be tested by hydrostatic pressure; and they shall limit the pressure of steam to be applied to or upon such boiler, certifying each

Steam
boilers,
annual
inspection
of.

Limit of
pressure.

inspection and such limit of pressure to the owner of the boiler inspected, and also to the engineer in charge of the same; and no greater amount of steam or pressure than that certified in the case of any boiler shall be applied thereto. In limiting the amount of pressure, wherever the boiler under test will bear the same, the limit desired by the owner of the boiler shall be the one certified.

§ 19. Section two of title twelve of said act is hereby amended by adding thereto the following words:

Board of health, additional members.

Except that the president of the board of aldermen, and the president of the board of city works of said city shall be members of said board, with equal power and authority in the management and government thereof.

Title twelve of said act is hereby amended by adding at the end of the title the following section:

Board of health, its powers for removal of night soil, garbage, &c.

§ 3. The said board shall have full and exclusive power and authority over the removal of night soil, and in the removal of dead animals, offal, blood, bones, tainted or impure meats, and in the removal of all the garbage and other refuse matter from said city. Said board is hereby charged with the duty of causing the removal of the same as often as may be necessary, and of keeping the said city clean from all matter or nuisance of a similar kind. The said board of health is authorized to make contracts with any responsible person or persons for the removal of said offal, dead animals, night soil, garbage and other refuse matter from the city of Brooklyn for a period not exceeding five years, and to require and receive bonds in such form and amount as the said board may approve, for the faithful performance by the person or persons aforesaid, to whom such contracts may be by the said board be, in its discretion, awarded, of all and every of the provisions of such contracts, and to cancel and revoke all contracts made by them for the removal of offal, dead animals, night soil, garbage and other refuse matter which may be entered into under this section, as well as all existing contracts for the removal thereof, whenever the contractor shall refuse or neglect to perform any of the stipulations of his contract. To enable said board to carry out the provisions of this section such sum of money shall be paid by the comptroller of the city, upon bills certified to by the president of said board, and audited by the auditor, as may be necessary, provided, however, that the moneys so to be paid shall not, for the year eighteen hundred and seventy-four, exceed in amount the sum of fifteen thousand dollars.

§ 20. Section nine of said title thirteen is hereby amended so as to read as follows:

Fire commissioners may select a secretary, &c.

§ 9. The said commissioners shall have power to select a secretary, chief and assistant engineers, and as many officers, clerks, foremen, engineers, drivers, inspectors and bell-ringers, as may be necessary, provided that the salaries of such employees in the aggregate shall not exceed the amount annually raised by the proper officers for such purpose. The said employees shall at all times be under the control of said commissioners, and perform such duties as may be imposed upon them by the said commissioners.

§ 21. Section twenty of title thirteen shall read as follows:

Fines, &c., to be paid into treasury.

§ 20. All fines imposed by the commissioners upon members of the fire department, by way of discipline, and collectable from pay or salary, and all rewards, fees, proceeds of gifts, and emoluments that may be paid and given for account of extraordinary services of any member of the department (except when allowed to be retained by said member), and all moneys received for penalties under the provisions

of this title, shall be paid into the treasury to the credit of the firemen's insurance fund. The payments so made shall constitute and be kept as a fund, to be called the "Firemen's insurance fund," and the president of the department and the commissioners of the sinking fund are hereby declared to be the trustees of the said fund, and they shall have power, and it shall be their duty, from time to time to invest the same, in whole or in part, as they shall deem most advantageous for the objects of said fund; and they are empowered to make all the necessary contracts and take all necessary remedies in the premises.

§ 22. Section twenty-five of title thirteen of said act is hereby amended so as to read as follows:

§ 25. All buildings hereafter erected within said limits, or as the same may be extended, shall be erected, constructed or built of no other material than brick, stone or iron, and all dwelling-houses, stores, storehouses, and all other buildings hereafter to be constructed or built within the said city shall have front and rear walls and side walls on both sides, whether such side walls be outside or party walls, and shall be started and built upon foundation of stone or brick.

§ 23. Section twenty-eight of said title thirteen is hereby amended so as to read as follows:

§ 28. All walls, whether party or otherwise, of all brick or stone buildings hereafter erected in the city, shall not be less than twelve inches thick, from the foundation or starting place to the peak or highest point thereof; but any building not exceeding twenty feet in width nor forty-five feet in depth, may be built above the foundation or cellar walls with eight-inch side walls, which walls shall not be over thirty-five feet in height from the level of the sidewalk to the peak or highest point thereof. The cellar walls, of all party or outside walls, which shall exceed forty-five feet in height, and shall not exceed fifty-five feet in height, if built of brick, shall not be less than sixteen inches thick; exceeding fifty-five feet in height, of not less than twenty inches thick, if built of stone exceeding forty-five feet in height, and not exceeding fifty-five feet, the cellar walls shall be twenty inches in thickness, exceeding fifty-five feet in height, twenty-four inches in thickness, and the story next above said foundation shall be increased four inches in thickness. But such buildings shall not be used as storehouses or manufactories of any kind or description, nor for the purpose of storing any kind of heavy goods, and the side walls of any such building may be built thirty-eight feet high, from the level of the sidewalk to the peak or highest point thereof, if the walls of the first story above the level of the sidewalk shall be built of a thickness of at least twelve inches from the commencement of the foundation to the extreme height of the story above the level of the sidewalk; but such buildings shall not be used for the purposes of any manufactory of any description, or for a storehouse, or for the purposes of storing any kind of heavy goods. All walls required by law to be eight inches thick, the foundation thereof shall not be less than twelve inches if brick, nor less than eighteen inches thick if stone. All walls required by law to be twelve inches thick, the foundation thereof shall not be less than sixteen inches thick if brick, and not less than twenty inches thick if stone.

§ 24. Section twenty-nine of said title thirteen is hereby amended so as to read as follows:

§ 29. All stone walls, less than twenty-four inches thick, shall have at least one header, extending through the walls in every three feet in height from the bottom of the wall, and in every four feet in length;

Brick
walls, how
construct-
ed, &c.

and if over twenty-four inches thick, shall have one header for every six superficial feet on both sides of the wall, and running into the wall at least two feet. All headers shall be at least eighteen inches in width and eight inches in thickness, and shall consist of a good flat stone dressed on all sides. In every brick wall, every sixth course of brick shall be a heading course, except where walls are faced with brick, in which case, every fifth course shall be bonded into the backing by cutting the course of the faced brick and putting in diagonal headers behind the same, or by splitting the face brick in half and backing the same by a continuous row of headers. In all walls which are faced with thin ashlar anchored to the backing, or in which the ashlar has not either alternate headers and stretchers in each course, or alternate heading and stretching courses, the backing shall be of hard burnt brick not less than twelve inches thick, and all twelve inch backing shall be laid up in lime and sand or cement mortar, and shall not be built to a greater height than prescribed for twelve inch walls. All heading courses shall be good, hard, perfect brick. The backing in all walls, of whatever material it may be composed, shall be of such thickness as to make the walls independent of the facing, and shall be not less than twelve inches in thickness.

§ 25. Section forty-six of said title thirteen is hereby amended so as to read as follows:

Wooden
buildings.

§ 46. No wooden or frame building, whether the same may have a brick front or otherwise, shall be altered, raised enlarged or built upon; nor shall any such building or buildings be removed from any lot out of the building district to any lot within said district, or as it may hereafter be extended, nor removed from any lot within the building district to any other lot also within the building district, without the permission of the commissioners and the written consent of the next adjoining property owners, first had and filed with the said commissioners, provided, however, that brick-front dwelling-houses and wooden buildings only may be raised, enlarged or built upon under the circumstances and in the manner especially provided for in section forty-one of this title.

§ 26. Section forty-seven of said title thirteen is hereby amended so as to read as follows.

Wooden
buildings
damaged
by fire,
when they
may be
repaired.

§ 47. Every wooden or frame building, with a brick-front or otherwise, that shall be damaged by fire to an amount not greater than one-half of the value of said building immediately before such fire, may be repaired or rebuilt pursuant to section forty-one of this title; but if such damage amounts to more than one-half of such value, then such building shall not be repaired or rebuilt, but shall be taken down by order of said commissioners.

§ 27. Section forty-eight of said title thirteen is hereby amended so as to read as follows:

Amount
of damage
by fire, how
determined.

§ 48. The amount or extent of such damages by fire, in case of a disagreement in relation thereto between the commissioners and the owners of such damaged building, shall be determined by two disinterested persons residing in the city, one of whom shall be appointed by the owner or owners of such building, or his or their lawful agent, and one by the commissioners; and in case such two persons disagree, they shall select a third disinterested person, and the decision in writing of any two of them shall be final and conclusive in the premises, and such building shall not be repaired or rebuilt until after the appointment of such persons as aforesaid, nor until after their decision shall be made in writing as aforesaid, finding that such damages do not

exceed one-half of the value of such building as it existed before such fire. In case it is rebuilt, it shall have a fire-proof roof, and not exceed the provisions of section forty-one of this title.

§ 28. Section forty-nine of said title thirteen is hereby amended so as to read as follows:

§ 49. No brick or stone dwelling-house, storehouse or other building, now erected or hereafter to be erected, shall be altered, raised, roofed, enlarged or built upon in any such manner that, were such dwelling, store, storehouse or other building wholly built or constructed after the passage of this act, it would be in violation of any of the provisions of this act. And all buildings built of stone, brick or iron, and all wooden buildings, with or without brick fronts, before the same shall be enlarged, altered, raised or built upon, shall first be examined by the commissioners, to ascertain if the building or buildings, or either of them, are in good or safe conditions to be raised, altered or enlarged, or built upon; and no such building as aforesaid shall be enlarged, altered, raised or built upon, until after such examination and decision; and the decision of said commissioners, after such examination, shall be made without delay. Whenever said commissioners shall grant a permit for the erection of any new building, or the alteration of any existing building, they shall make a record of such permit, describing the exact location, by what number or otherwise, and they shall forthwith transmit a copy of such record to the board of assessors.

Brick or stone buildings, altering, raising, &c., of.

Permit, record of.

§ 29. Title thirteen of said act is amended by adding at the end of the title the following sections:

Section 58. No person shall have, keep upon sale, or store in any place or building within the corporate limits of the city of Brooklyn, any crude, petroleum, daulin,* gasoline, earth or rock oil, or any of its products, except under the following provisions: Crude, petroleum, earth or rock oil, or any of its products may be stored in detached and properly ventilated warehouses, the outer walls of which shall be stone, brick or iron, especially adapted for the purpose, by having raised sills at least two feet high, or the ground floor of which shall be at least two feet below the level of the street or adjoining yard, or so constructed as to actually prevent the overflow of such substances beyond the premises where the same may be kept or stored, which said warehouses shall not be occupied in any part as a dwelling, and if less than fifty feet from any adjacent dwelling, the same must be separated by a brick or stone wall at least ten feet in height and sixteen inches thick, constructed in such manner as the commissioners of the department of fire and buildings may prescribe; but the same may be stored in such other manner as said commissioners may designate, under a special permit issued therefor.

Combustible and explosive substances, how to be stored, &c.

No refined petroleum, kerosene, earth or rock oil, or any product thereof to be used for illuminating purposes, shall be kept upon sale or stored within the corporate limits of the city of Brooklyn, the fire-test of which shall be less than one hundred and ten degrees Fahrenheit. Said test shall be determined by inspectors, authorized by said commissioners, using G. Tagliabue's instruments, or such other instruments as may be designated by said commissioners. No refined petroleum, kerosene, dualin, gasoline, earth or rock oil, when stored above the cellar or basement of any building, and in barrels of not over forty-five gallons each, or in metallic vessels or tanks, shall exceed in the whole quantity the contents of fifty of said barrels; provided, however, that

* So in original.

the whole quantity of said refined oils that may be so kept or stored over night shall not exceed the contents of ten of said barrels unless stored in the manner provided for storing crude petroleum; and when stored in cellars or basements, surrounded by walls of brick or stone, and at least two feet below the level or grade of the sidewalk, street or land adjacent, the whole quantity shall not exceed the contents of one hundred and fifty barrels, unless stored in warehouses specially adapted for that purpose, as required for the storage of crude petroleum under this section; provided, also, that no quantity of said oils greater than one barrel shall be stored or kept in any building occupied in any part thereof as a dwelling.

No benzine, benzole, gasoline, naphtha, camphene, burning fluid, or products or compounds containing any of said substances, shall be kept or stored on or above the first story or floor of any building exceeding in the whole quantity the contents of five barrels of forty gallons each, nor more in quantity than the contents of twenty of said barrels in the whole when stored below the first floor, unless kept in the manner provided for storing crude petroleum, nor shall more than one barrel in quantity of said last above named articles be kept in any building occupied in any part thereof as a dwelling. In no case shall any of the articles named in this section be allowed to remain on the sidewalk beyond the front line of any building, or in or upon the streets, docks, piers, bulkheads, slips, highways or public places, a longer time than is actually necessary for the removal or loading of the same; and said commissioners may establish and enforce general regulations, and issue such orders and special directions relative to the handling, lightering, carting, loading, unloading and transportation of the several articles named under this section, as in their discretion shall be deemed necessary for the public protection; and said commissioners may issue special permits authorizing the keeping of any of the articles enumerated under this section in buildings, tanks or structures fire-proof throughout, in such quantities, in such manner, and subject to such regulations as shall tend to secure the same against danger. No person shall sell at retail any kerosene or other product of petroleum, dualin, gasoline, to be used for illuminating purposes, without first obtaining a license therefor from the said commissioners, under such rules and regulations as they may prescribe, which license shall be for the term of one year, and shall not be transferable; and for every such license, and for every renewal of the same, the said commissioners shall demand and receive the sum of five dollars; said license shall be posted in a conspicuous place in the store of the person or persons to whom the same is issued, and may be revoked for cause by said commissioners. Any person who shall sell any of the compounds above mentioned in this section, without first obtaining a license therefor, shall forfeit and pay the sum of twenty-five dollars. In case any person is burned by the explosion of any compound, the sale of which is prohibited by any section of this act, or has not been inspected or licensed as therein provided, and death ensues therefrom, the person found guilty of selling the same shall be deemed guilty of a felony, and upon conviction shall be punished by a fine of not less than one thousand dollars, or by imprisonment in the State prison for a term not less than one year, nor more than five years. And any dealer who shall present and deliver for inspection a sample oil different from and which does not represent the quality of oil actually kept by him or her for sale, and not taken from the actual stock being offered for sale, and

Fire commissioners may make regulations relative to handling, &c.

License to retail kerosene, &c.

Penalty for selling without license.

Felony.

of the same quality therewith, shall forfeit and pay the additional sum of fifty dollars.

§ 59. Any person, persons or corporation for the violation of or non-compliance with any of the several provisions of the several sections of this act, when the penalty is not therein specially provided, shall severally forfeit and pay a fine or penalty in the sum of fifty dollars for each and every offense, or shall forfeit and pay the penalties respectively imposed under any of said sections, and shall also be severally liable for the removal, amendment or abatement of any violation of or non-compliance with any requirement under said sections, and shall also be severally liable for the payment of the further penalty of the sum of fifty dollars for any violation of or non-compliance with any regulation, order or special direction issued by said commissioners as authorized under this act.

Penalty for violating the provisions of this act.

§ 60. The commissioners of the department of fire and buildings of the city of Brooklyn, are hereby authorized empowered and specially charged with the duties of enforcing the several provisions of this act, and are hereby authorized and empowered to receive and collect all license fees herein provided for, and pay the same into the treasury for the use of the city. The attorney and counsel to the city shall in the name of and for the use and benefit of the city, sue for and recover and collect all penalties and costs imposed under the provisions of this act in the manner provided for in actions under the Code of Procedure.

Fire commissioners to enforce this act.

City attorney.

§ 61. Said commissioners are hereby authorized and empowered to investigate, examine and inquire into the origin, details and management of fires in said city, and also of any supposed cases of violations of any of the several provisions of law under this act, or any of the several regulations, orders or special directions issued by said commissioners for the purpose of the discovery of any delinquency in the non-performance of duty or violation of discipline on the part of any officer, agent or employee of said commissioners, or any supposed cases of arson or incendiarism which may be brought to their notice; and said commissioners, in and about any examination, investigation or inquiry, authorized hereby, touching any matter or thing therewith connected, may subpoena and compel the attendance of any person or persons, and the production of any books, papers, archives or documents in his or their possession, or under his or their control, in the judgment of said commissioners, connected with and necessary to such examination, investigation or inquiry before them at the time and place therein named; and for the purpose aforesaid, the attorney and counsel to the city of Brooklyn, may at any time obtain to be issued subpoenas, out of the Supreme Court, tested under the name of a justice of said court, in like form and with like effect as though issued by said justice in any action pending in a court of record; and said subpoena may be served, and proof of such service may be made in the same manner as now by law provided for the service of subpoenas out of the said court; and upon proof of service and proof of non-compliance, failure to attend and testify on the part of any person or persons, as required by said subpoena, or a failure or refusal on the part of said person or persons to produce any such books, papers, archives or documents in his or their possession, or under his or their control, or a failure or refusal on his or their part to answer any questions put to him or them, and pertinent thereto, upon any examination, inquiry or investigation, as aforesaid, application may be made before any justice of said court, who shall, in case he shall decide such question pertinent and proper to be answered, thereupon, cause to

Commissioners may inquire into origins of fires, &c.

Subpoenas.

Punishment for failure to appear and testify or to produce books, &c.

Admin-
istering
oaths.

be arrested, and may punish as for a contempt of the orders of said court, the person or persons named in said subpoena, and in such case the laws, rules and proceedings relating to punishments for contempts, and usual in said court, or before any justice thereof, shall be applicable thereto. Said commissioners, in conducting any examination or inquiry as aforesaid, may cause to be administered, by a commissioner of deeds or notary public, any oath or affirmation, in the manner and form usually administered in said Supreme Court, and any false swearing, under said oath or affirmation thus administered, shall be perjury, and punishable as such in such manner as now provided under the law applicable thereto; and said examination or investigation may be continued and adjourned by the said commissioners conducting the same, from time to time, and at such time and place as shall be designated, and any person *subpoenaed* * as aforesaid shall attend and testify upon said adjourned day or days, and at the time and place designated, and of which they shall have been notified, as though the same had been named in said subpoena, and with like effect as to any failure to appear and answer under the requirements therein contained, provided that any testimony or evidence taken as aforesaid, shall be for the information and instruction of said commissioners in the discharge of their duties and in the prevention of future fires, and the protection of property, and shall be carefully kept in the archives and possession of said commissioners, and shall in no manner be used in any criminal proceeding or action, but may be placed before any grand jury in the county of Kings.

Proviso.

Jurisdic-
tion.

§ 62. This act is hereby declared a public act, and all courts and tribunals, or any judge or justice shall take cognizance thereof, and give force and effect to its several provisions; and all courts of civil jurisdiction in said city shall have jurisdiction over all suits herein authorized to be brought, and upon the rendition of a verdict, report of a referee, or decision of a judge or justice for the recovery of the amount of any penalty or penalties in any action brought therefor, shall give judgment for the amount of all penalties and costs, and for the removal, amendment or abatement of any matter or thing as shall be proper and necessary to give effect to the several sections of this act.

Repeal.

§ 63. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 30. Section four of title fifteen of said act is hereby amended so as to read as follows:

Monthly
report.

§ 4. The commissioners of the department of parks shall report to the common council monthly, or as they may be directed by the common council, the condition, repairs, improvements, expense of keeping or repairing the public property under their charge, and all matters relating to said department.

§ 31. Section two of title seventeen is hereby amended so as to read as follows:

Danger-
ous struc-
tures, re-
moval or
repairs of.

§ 2. In case any street, public building, highway sidewalk, crosswalk or bridge shall become dangerous, the commissioners of the city works shall examine the same, and, with the approval of the mayor, shall cause the same to be repaired or removed, provided that the expense of such repair or removal shall not exceed in amount the sum of one thousand dollars in any one case; and to meet such expenses the comptroller shall issue certificates of indebtedness, the payment of which shall be provided for in the next annual budget.

* So in original.

§ 32. Section six of title seventeen is hereby amended so as to read as follows:

§ 6. Whenever the mayor and comptroller shall certify that the interests of the city require a certain work to be done without calling for proposals, at an expense not to exceed one thousand dollars, such work may be ordered by a two-thirds vote of the common council, and the expense shall be paid out of the appropriate fund, to be designated when the work is ordered to be done; and provided, further, that whenever the head of any proper department shall certify that it is necessary for the best interests of the city, after a severe snowstorm, to remove the snow from one or more of the principal thoroughfares, or to immediately repair any damage done by the elements or otherwise, or to prevent such damage, or to prevent the spreading of disease, or to suppress or prevent a riot, the mayor shall be empowered to authorize such department to incur such liability in the premises on the part of the city as may be necessary, and the common council shall order all charges incurred under this provision to be examined by the auditor, and when audited to be paid by the comptroller out of the appropriate fund; and in case no means shall have been provided to cancel such liabilities, the mayor, comptroller and city clerk shall provide the necessary means by issuing certificates of indebtedness of the city, for a sum sufficient and not to exceed the amount of such liabilities; and a sum sufficient to redeem such certificates, with interest, shall be included in the next annual tax levy. ^{Work may be done without calling for proposals.} ^{Removal of snow from streets, &c.} ^{Supplies.} Supplies for any department needed for immediate use, not exceeding upon any one requisition in amount two hundred and fifty dollars, on the requisition of such department and with the approval of the mayor, may be purchased; by the department requiring the same, and the supply so purchased shall be audited and paid for in the same manner and from the same fund as though the same had been ordered by the common council.

§ 33. Title seventeen of said act is hereby amended by adding at the end of the title the following section:

* § —. Whenever any fuel, furniture, interest, books, stationery or other supplies, or any repairs have been duly ordered for the department of police, and excise, or fire and buildings, by the board of aldermen, the department respectively requiring such supplies or repairs, shall advertise for proposals in the newspapers for the same, and open the bids and award the contract therefor, in the same manner and with the same circumstances as the department of city works, or common council are authorized in this act in relation to needed work and improvement for other departments of said city; provided, also, that with the consent of the common council, the department of police and excise, and fire and buildings, respectively, shall purchase such articles of supplies, or cause such repairs to be done as may be from time to time necessary to the efficiency of such departments, provided, however, that the expense thereof shall not at any one time exceed the sum of two hundred and fifty dollars. The bills for all purchases made in pursuance of the provisions of this section, shall be certified by the president or a commissioner of the department respectively having cognizance of the purchase, and upon being audited by the auditor shall be paid by the comptroller. ^{Fuel, furniture, &c., how purchased.} ^{Bills to be certified.}

§ 34. Section two of title eighteen is hereby amended so as to read as follows:

Notice of
local im-
prove-
ment.

Remon-
strance.

Whenever the common council shall have declared by resolution its intention to make any such improvement, or when a petition shall be presented, the common council shall cause a notice to be published in the corporation newspapers that such application has been made, and of the time (which shall not be less than twenty-five days after the first publication of such notice) when they will proceed on such petition or resolution, which notice shall be published daily in the corporation newspapers for two weeks successively; and in case a remonstrance against the proposed improvement, signed by a majority of the property owners, and the owners of a majority of the property to be affected within the district of assessment which shall be fixed by the common council for said improvement, shall be presented to them on or before the day specified in said notice, they shall not allow the said improvement to be made or proceed therein. But nothing in this act contained shall be so construed as in any way to affect the proceedings heretofore commenced by the common council.

§ 35. Section eight of title eighteen is hereby amended so as to read as follows:

Certified
copy of
contract
to be filed.

§ 8. It shall be the duty of the department having in charge any work, the cost of which is to be paid for by assessment, to file with the comptroller of said city a certified copy of the contract under which said work is to be done, together with a copy of the resolution of the common council *directions*,* the work under the contract to be done. Such copies shall be filed with the comptroller within five days after contracts shall have been duly executed by the contractor.

Title XVIII is hereby amended by adding the following additional section.

Proceed-
ings when
assess-
ment ex-
ceeds
amount
limited by
law.

§ 36. In any unconfirmed assessment for a local improvement, when the amount assessed or that would be assessed, to any piece or parcel of land for its proportion of benefit, shall exceed the amount limited by law, relative to the value of the land, the board of assessors shall ascertain if there are parcels of land not included in the district of assessment, which, in the judgment of the board of assessors may justly and equitably be assessed for benefit because of such local improvement, and if the board of assessors shall so find, they shall report to the common council what additional lands may in their judgment be assessed for benefit for such improvement, and the common council shall thereupon enlarge and extend the district theretofore assessed or district to be assessed, and shall direct the board of assessors to apportion and assess the amount to be assessed for such improvement in conformity with the provisions of section ten of this title, except that the district of assessment shall be the enlarged district as herein provided. But if the board of assessors find that, in their judgment, they* are not lands not included in the district of assessment which may justly and equitably be assessed for benefit because of such local improvement, then they shall proceed to apportion and assess the several pieces or parcels of land in the district already fixed, in proportion to the benefit derived by the improvement, except that if the amount that would be assessed to any piece or parcel of land for its proportion of benefit shall exceed the amount limited by law relative to the value of the land, then the amount so exceeding such limit shall be deducted from the assessment to such piece or parcel of land, and the amount so deducted shall be reported to the common council by the board of assessors with their report of the assessment for such local improve-

* So in original.

ment, and thereupon the common council may confirm the assessment as so reduced, and provide for the deficiency caused by said reduction by directing the proper authorities to place an amount equal to such deficiency in the annual tax levy. All assessments heretofore laid in said city for any local improvement are hereby confirmed, and the amount of the same is hereby levied as a tax on the several pieces or parcels of land on which the same has been heretofore assessed and apportioned, but the proceedings for collecting the same shall not be deemed to be in any manner affected by this act.

Deficiency, how provided for.

§ 37. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

§ 38. This act shall take effect immediately.

Chap. 590.

AN ACT to amend an act entitled "An act in relation to Orphan Asylum societies at Brooklyn," passed March seven, eighteen hundred and forty-eight.

Passed June 1, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of an act entitled "An act in relation to orphan asylum societies at Brooklyn," passed March seven, eighteen hundred and forty-eight, is hereby amended by adding the following thereto :

And all industrial schools in which industrial employments are taught in addition to the studies of the common schools, during some portion of the school day ; and in which the pupils are clothed, fed and lodged, the said tuition and support being entirely free ; shall participate in the distribution of the school moneys, in the same manner and under the same restrictions as the said orphan asylum societies at Brooklyn.

Industrial schools to share the school moneys.

Chap. 591.

AN ACT to authorize the Utica park association to convey and mortgage its property and issue its corporate bonds.

Passed June 1, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Utica park association is hereby authorized to borrow on its corporate bonds, not to exceed the sum of twenty-five thousand dollars. Such bonds to be of such denomination and payable at such times as shall be determined by the board of directors of said association ; said bonds and the interest thereon shall be payable at some convenient place in the city of Utica.

Association may borrow upon its corporate bond.

§ 2. To secure the payment of said bonds and interest thereon the said association is authorized to mortgage its real and personal property in trust to such person or persons as shall be selected by its board of directors ; such selection shall be subject to the approval of a justice of the Supreme Court in the district where said association is situated.

May mortgage its real property. Approval.

How association may convey or mortgage real estate.

§ 3. Whenever said association shall desire to convey or mortgage its real estate, or any part thereof, for the purposes herein, or for its proper uses and conveniences, it shall first obtain the consent, in writing, of at least three-fourths in number and value of its stockholders, and thereupon said association may make written application to the Supreme Court of the judicial district where said association is situated for permission therefor. Such application shall be verified by at least two of the directors of said association and shall set forth the true financial condition of said association, and particularly its liabilities, and the character of the same at a time of said application, and the reason for said application, and the purpose or purposes for which said conveyance is desired to be made, or such mortgage given. The granting of such permission shall be in the discretion of said court, and upon the granting of such permission, and not otherwise, said association is authorized to convey and mortgage its real estate as herein provided.

§ 4. All acts or parts of acts inconsistent with this act shall not apply to the Utica Park association.

§ 5. This act shall take effect immediately.

Chap. '592.

AN ACT to incorporate the Merchants' Loan Company.

Passed June 1, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Corporators.

SECTION 1. Lewis Roberts, John H. Hall, George R. Sherman, William H. Guion, Silas H. Witherbee, Horace Thompson, Ashbel H. Barney, Myron P. Bush, George P. Plant, Leander B. Shaw, Addison F. Roberts, Oliver Hoyt, George S. Scott and Henry M. Requa, and their associates and successors shall be and they are hereby constituted a body corporate and politic under the name of the Merchants' Loan Company.

Corporate name.

General powers, &c.

§ 2. The corporation hereby created shall have the general powers and privileges and be subject to the liabilities mentioned and declared in the third title of the eighteenth chapter of part first of the Revised Statutes, and in addition thereto it shall have power :

Additional power to lend money.

1. To lend money on bond and mortgage on real estate situated within the United States, or upon hypothecation of such real estate, or upon hypothecation of bonds and mortgages on such real estate for any period of credit, and repayable by way of annuity or otherwise, provided, however, that in case of loans no rates of interest shall exceed lawful interest.

Proviso.

To issue bonds.

2. To issue bonds of said company, and to sell and dispose thereof; but the amount of such bonds outstanding at any time shall not exceed the amount of moneys then owing to said company upon the loans aforesaid, and such bonds may be made payable to bearer, or may be registered bonds.

To receive deposits.

3. To receive moneys on deposit at such rates of interest as may be agreed upon, not exceeding the lawful rate of interest, and in all cases in which public officers or municipal or private corporations are authorized or required by law to deposit money in bank, such deposits may be made by such officers or corporations with said company.

To guaranty payment, &c.

4. To guaranty the payment, punctual performance, collection and validity of promissory notes, bills of exchange, contracts, bonds,

accounts, claims, rents, annuities, mortgages, choses in action, evidences of debt and certificates of property or value, and the titles to property, real or personal, upon such terms or commissions as may be established or approved by the board of directors of said company; to receive upon consignment, storage or deposit, merchandise, bullion, specie, plate, stocks, bonds, promissory notes, certificates and evidences of debt, contracts or other personal property, and to take the management, custody and charge of real and personal estate and property and choses in action, and to advance moneys, securities and credits upon any property, real or personal, or choses in action, on such terms or commissions as may be established or approved by the board of directors of said company; but no rate of interest exceeding the legal rate shall be charged or received by said company in any transaction.

of notes,
bills, &c.

To receive
on con-
signment,
storage,
&c., mer-
chandise,
bullion,
&c.

Rate of
interest.

§ 5. To lease, purchase, erect and hold all such real or personal estate as they may deem necessary for carrying on their business, or which they may deem necessary to take or acquire in the enforcement or settlement of any claim arising out of any of their business transactions, or which they may purchase or take on or by the foreclosure or enforcement of mortgages or hypothecations taken as aforesaid, and the same from time to time to sell, lease or exchange for other property as they may determine that the interests of the company require; and the said company are hereby authorized to make, execute and issue, in the transaction of their business, all necessary receipts, certificates and contracts either with or without the impress or stamp of their corporate seal, and the same shall be signed by such officer or officers of the company as shall be, from time to time, prescribed by the by-laws.

To lease,
purchase
and hold
real and
personal
estate.

To sell,
&c., the
same.

Contracts,
&c.

§ 3. In case personal property or choses in action deposited with said company, and upon which the said company shall have made any advances, shall, before the maturity of the contract in relation thereto, decrease in value from the value thereof specified in such contract, the said company may give notice, in writing, to the owner or depositor of such property or choses in action, or his agent, to perform the conditions of said contract or make good the deficiency caused by such decrease in values within thirty days after such notice, and in default thereof may sell and dispose of such property or choses in action at public or private sale, or in such manner as may be stipulated in said contract, and out of the proceeds thereof, may retain the amount due the said company under the contract, with the costs, charges and expenses.

Sale of
property
on which
advances
have been
made,
when it
may be
made.

§ 4. The said company may sell at public or private sale, or in such way as may be specified in the contract between the parties, if there be one, on a notice of fifteen days or any other time that may have been agreed upon, choses in action and all property of every description (except real estate upon which thirty days' notice shall be given), to which said company by virtue of an act done or right acquired under the charter, on the maturity of any obligation made in relation to or on the security of the said property or choses in action, and may reimburse itself out of the avails of such sale for the moneys due to said company with the interest, costs and charges; and in case such sale shall be at public auction, the said company may fairly and in good faith, purchase the property or choses in action so sold or any part thereof at such sale.

Further
provisions
as to sale
of prop-
erty.

Company
may pur-
chase.

§ 5. The capital stock of the said company shall be two millions of dollars, divided into shares of one hundred dollars each, which capital may be increased from time to time, to not exceeding five million dollars, by the issue of additional shares of one hundred dollars each as said company may see fit. When the two millions of dollars shall have been actually subscribed and five hundred thousand dollars hereof

Capital
stock.

When
company
may pro-

ceed to do business. actually paid in cash, the said company may proceed to do business under this act.

Increase of stock, preference of stockholders. § 6. In cases where subscription books are opened for an increase of capital, the holders of stock theretofore issued and then outstanding, shall have a preference in subscribing to such extent and in such manner as the board of directors shall determine.

Capital, how it may be called in. Forfeiture. § 7. The board of directors shall have power to call in the capital by installments, and all such installments shall be paid in lawful money of the United States. If any subscriber shall fail to pay any such installment after sixty days notice requiring payment thereof, the share on which the installments shall be in arrear, together with all previous payments thereon, shall be forfeited to the use of said company.

Commissioners to open books of subscription. § 8. Lewis Roberts, John H. Hall, Silas H. Witherbee, Myron P. Bush, George S. Scott, William H. Guion and Oliver Hoyt shall be and they are hereby appointed commissioners to open books for subscription to the capital stock of said company at such time and place as a majority of them shall deem proper.

Directors, their term of office, &c. § 9. The persons named in the first section of this act who shall be severally stockholders to the amount of twenty thousand dollars at least, shall be directors of the said company, and shall hold their office for one year and until others are elected in their stead, and the commissioners or a majority of them shall, within twenty days from the closing of the subscription called for by them, call a meeting of the stockholders to elect directors in the place of the persons named in the first section of this act who shall have refused to act, or who shall not have the necessary qualifications, and also to elect such additional directors as may be deemed necessary, not exceeding the limit hereinafter specified. The board of directors may, if they deem it advisable so to do, divide themselves by lot in three classes as nearly equal as may be. The term of office of the first class shall expire at the end of one year; that of the second class at the end of two years, and that of the third class at the end of three years, and at the expiration of the first year and annually thereafter shall be chosen a number of directors equal to that in the class whose term will then expire, who shall hold their office for three years, or until their successors are elected.

Board of directors, of how many persons to consist. Qualifications of director. Directors to be elected annually. § 10. The corporate business and powers of the said company shall be exercised by a board of directors, consisting of such number of persons, not less than nine and not exceeding twenty-one as may from time to time be prescribed by said company; every director shall be a stockholder to the amount of two hundred shares at least; and any director ceasing to be a stockholder to said amount, shall cease to be a director; the directors, except those constituting the first board of directors, shall be elected annually in whole or in part as their terms of office may expire, by a majority in interest of the stockholders voting in person or by proxy at any election to be held at such time and place as may be prescribed by the by-laws of said company; directors shall be eligible to re-election, and vacancies occurring in the intervals of such election or before the first annual election, may be filled by the board; the directors shall annually elect from their own number a president, and shall have power to declare by a by-law what number of directors shall constitute a quorum to do business; the board of directors may also constitute a part of their number an executive committee with such powers as the board may from time to time confer on such committee.

To elect president. Executive committee. By-laws. § 11. The board of directors shall have power from time to time to make all such by-laws, rules and regulations not inconsistent with the

Constitution or the laws of this State, as they may deem necessary for the government of its affairs and the conduct of its affairs, and to appoint and employ such agents and servants as the exigencies of its affairs may require; but no alteration or amendment shall be made in any existing by-law except by a vote of two-thirds of the whole number of directors in office at a regular meeting of the board or a special meeting called for that purpose, nor unless notice of the intention to make such alteration or amendment, stating the substance thereof, shall be given at the next preceding regular meeting, and a written notice of such intention stating the substance of the alteration or amendment shall have been personally served upon or sent by mail to the residence or place of business of every director then in office at least one month previously.

§ 12. Before the said company shall exercise the power in and by this act granted to take the management, custody and charge of real or personal estate and property and trust estates as trustee for and in respect to the same, said company shall assign and transfer, to the Superintendent of the Banking Department, bonds and mortgages on unincumbered real estate within the State of New York, worth double the amount secured thereby, or shall transfer and assign to the said Superintendent public stocks of the United States, or of the State of New York, or of any incorporated city of this State, authorized by the Legislature, to the amount of at least twice the estimated value of the income of any such real estate and twice the amount of the value of any such personal estate and property, to be estimated by the Superintendent of the Banking Department; and the said Superintendent may require the amount of such securities so assigned and transferred to him to be increased from time to time, in his reasonable discretion, and the said company shall thereupon assign and transfer to said Superintendent like bonds and mortgages or stocks aforesaid, which shall be held by the said Superintendent of the Banking Department in trust, as security for the faithful performance by said company of any and every engagement, contract or undertaking, by or on the part or behalf of said company as such trustees as aforesaid, and which bonds and mortgages or stock shall be subject to the sale and disposal of the said Superintendent of the Banking Department upon the order of the Supreme Court, and upon the assignment of the said bonds and mortgages and stock, the said Superintendent of the Banking Department shall issue to the said corporation a certificate of such fact, upon the receipt of which the said corporation may commence such business; and an equal amount in value, to be determined by said Superintendent, of such stocks, and bonds and mortgages, shall, at all times during the continuance of such business by said company, remain in the possession of said Superintendent of said Banking Department. Until otherwise ordered by the Supreme Court, the Superintendent of the Banking Department shall pay over to the said company the interest which shall be received on the securities assigned to him by the said company, or he may authorize the said company to collect the same for its own benefit.

Securities to be deposited with the Superintendent of the Banking Department.

Superintendent may require same to be increased.

Certificate.

Interest upon securities.

§ 13. The board of directors of said company shall exhibit annually to the Superintendent of the Banking Department of this State, on such day as he shall appoint, a full statement of their affairs in such a form and verified in such a manner as he shall direct. The Superintendent of the Banking Department, should it be deemed proper, may refer such statement to a referee, with directions to make a full and thorough investigation into the affairs and management of the com-

Annual statement of affairs.

Investigation.

Expenses thereof.

Superintendent may recommend alterations in by-laws.

Statement &c., to be transmitted to superintendent. Individual liability of stock holders.

To whom loans on mortgages, &c., may be made. Bonds in lieu of money.

Security.

When company may redeem its bonds.

Bonds to be selected by lot.

Notice of redemption.

Company may loan money on

pany, and to report his opinion in relation to the ability and integrity with which the affairs are conducted, the prudence and safety of its investments, the security afforded to those by whom its engagements are held, and the advantage derived by the public from its operation. The expenses of every such investigation so made shall be defrayed by the company, in such sum as the said Superintendent of the Banking Department shall certify to be reasonable and just.

§ 14. Upon the exhibition of any such annual statement, or upon the coming in of a referee's report thereon, the Superintendent of the Banking Department may recommend to the trustees such alterations and amendments in the regulations and by-laws of the company as he shall deem to be required for the public good and a just regard to the security of the creditors. If any recommendation so made by the said Superintendent of the Banking Department shall be neglected, or without just cause disregarded by the trustees, he shall make a full communication of the facts to the Legislature at the first session thereafter.

§ 15. A copy of every statement so made, and of every report of a referee thereon, shall be transmitted to the Superintendent of the Banking Department by the president of the company, in thirty days after it shall have been made or received.

§ 16. The stockholders of said corporation shall be individually liable for the debts and contracts of the corporation to an amount equal to the amount of stock held by them respectively. Such liabilities shall not be enforced until judgment has been obtained and execution thereon has been issued and returned unsatisfied against said corporation.

§ 17. The loans on mortgage or hypothecation may be made to individuals, corporations, associations, States, cities, provinces and towns or other municipal bodies authorized thereto; and in any case it shall be lawful for the borrower to accept bonds of said company in lieu of money on such loans, and in every case the mortgage or hypothecation given for the loan and the bonds of the company issued or taken in lieu of money shall be valid and of full force, notwithstanding any difference there may be between the rate of interest secured or payable on the said bonds of the company, and the rate of interest secured or payable on such mortgage or hypothecation or any difference in the market value thereof.

§ 18. No loans shall be made by the company on mortgage or by hypothecation of real estate to more than one-half of the estimated value thereof.

§ 19. If at any time by reason of payments made on loans of the company or for any other cause, the amount owing to it on mortgage or hypothecation of real estate, shall be less than the amount of its bonds outstanding, said company shall call in and redeem at par, so much of its bonds as may be necessary to equalize such amounts; and for this purpose the company may cause bonds to be selected by lot drawn or cast by a disinterested person or persons appointed by the company. Notice of the lot so drawn, designating the particular bonds to be redeemed, shall be given by advertising in a daily newspaper published in the city of New York at least thirty days next previous to the time of redemption to be therein specified, at which time the company shall pay such designated bonds, and the interest accrued thereon at par on the surrender thereof, and from which time interest on the bonds so designated shall cease.

§ 20. When bonds issued by the company shall be held for other parties, it shall be lawful for the company to loan money on the pledge

thereof, or to undertake the sale or the pledging thereof for the holders, for such compensation as may be agreed upon, or to purchase such bonds.

its bonds held by other parties. Office.

§ 21. The office of said corporation shall be kept in the city of New York.

§ 22. The stock of said corporation shall be transferable only on the books of said corporation.

Stock, how transferable.

§ 23. This act shall take effect immediately.

Chap. 593.

AN ACT to amend an act entitled "An act to incorporate the Westchester County Trust Company," passed April sixth, eighteen hundred and seventy-one.

Passed June 1, 1874.*

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The provisions of an act entitled "An act to incorporate the Westchester county Trust Company," passed April sixth, eighteen hundred and seventy-one, with respect to the organization of the said company, are hereby amended so as to permit of the organization of the said incorporation at any time within one year after this act shall take effect.

§ 2. This act shall take effect immediately.

Chap. 594.

AN ACT to incorporate the Harlem Safe Deposit Company.

Passed June 1, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Silas D. Gifford, Addison Smith, Benjamin F. Raynor, William T. Ryerson, William B. Asten, Jordan L. Mott, Hamilton R. Kerr, Joshua H. Bates, Edward P. Steers, Albert B. Whitney and Richard H. Teller and their associates and successors, shall be and they are hereby constituted a body corporate and politic, by the name and style of the "Harlem Safe Deposit Company," and by that name have perpetual succession and capacity to sue and be sued in any court whatever.

Corporators.

Corporate name.

§ 2. There shall be a board of directors of the said corporation, consisting of eleven members; and the persons expressly named in the first section of this act shall constitute the first board of directors of the said corporation, and shall hold their office for one year from the organization of the said corporation and until others shall be elected in their places; and the said corporation shall be deemed to be organized by the election of a president and vice-president of said first board, from their own number, and a secretary.

First board of directors.

Term of office.

Corporation, how organized.

*Certified by the presiding officer of the Assembly as having passed the Assembly, "three-fifths being present."

By-laws. § 3. The board of directors shall have power to make all such by-laws, rules and regulations, not inconsistent with the Constitution or laws of this State, as may be deemed necessary for the government of its officers and the conduct of its affairs, and appoint and employ such agents and servants as the exigencies of its affairs may require.

Annual election of directors, &c. § 4. The first board of directors shall, as soon as may be after their organization, determine and fix the day and month in each year thereafter for the holding of the annual election, at which shall be chosen eleven directors and three inspectors of said corporation; and said first

Notice. board shall publish a notice in a daily newspaper, printed in the city of New York, of the time and place of such annual election, for at least

Qualifications of directors and inspectors. two weeks previous thereto; such directors and inspectors must be stockholders in said corporation, and shall be chosen for one year, and shall hold office until others are elected in their stead. Any director or inspector ceasing to be a stockholder shall cease to be a director or inspector, as the case may be. The board of directors shall have power to fill all vacancies, however they may happen, in their body, and among inspectors which shall occur between any two annual elections.

Vacancies, how filled. § 5. The business and general object of the said corporation shall be to take and receive a deposit as bailee, for safe keeping and storage, plate, jewelry, securities, furniture, and other goods and valuables, and personal property, upon such terms and for such compensation as may be agreed on by the said corporation and the bailors, respectively, of any such property as aforesaid; but nothing in this act contained shall be construed to allow this company to make advances or loan money upon any goods or securities deposited with them, or to engage in the business of banking.

Business and objects. § 6. The said corporation shall have capacity to acquire and hold real estate as follows:

Capacity to acquire and hold real estate. 1. Such as may be necessary for its accommodation in the transaction of its business.

3*. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

When to be sold. 4. Such as shall have been purchased at sales upon judgments, decrees or mortgages obtained or made for such debts; and all such real estate as may be acquired by said corporation and which shall not be necessary or convenient for conducting and carrying on its business, shall be sold and conveyed by said corporation within five years from the accruing of the title thereto to the said corporation, unless the said corporation shall procure the certificate of a resident justice of the Supreme Court that, in the opinion of such justice, such real estate could not be sold at a forced sale without material loss to the said corporation.

Capital stock. § 7. The capital stock of the corporation shall be one hundred thousand dollars, divided into shares of one hundred dollars each, and the persons herein named as incorporators shall be commissioners, whose duty it shall be, within a reasonable time after the passage of this act, on such day and in such place in the city of New York as they, or a majority of them, shall appoint to open books for the purpose of receiving subscriptions, and to keep the same open until the whole of said stock shall be taken up; and the said corporation shall not commence business until one-quarter of said capital shall have been subscribed and paid in. The said capital stock may be increased at any time, or from time to time, to not exceeding five hundred thousand dollars, and the board of directors for the time being may, in their dis-

Subscriptions to stock.

When corporation may commence business. Increase of stock.

cretion, open books of subscription for such original stock and for such additional stock, or cause the same to be taken and distributed in such manner as may be just and proper.

§ 8. It shall be the duty of the board of directors to invest the capital of the said corporation, and to keep the same invested in good securities; and it shall be lawful for said corporation to make such investments of its capital and of the funds accumulated by its business, or any part thereof, in bonds and mortgages on unincumbered real estate within the State of New York worth at least fifty per cent. more than the sum loaned thereon, and also in any or all stock or bonds of this State, or the United States and also bonds of any of the incorporated cities and incorporated villages in any of the counties of this State legally authorized to issue such stocks or bonds.

Capital to be invested and how.

§ 9. The said corporation shall at no time declare or pay to the stockholders thereof any dividends, except from its clear net profits, after deducting all losses and expenses from its gross income, up to the time of declaring such dividends.

Dividends.

§ 10. Each stockholder of said company shall be individually, jointly and severally liable to the creditors of, or those holding claims against said company, to an amount equal to the amount of stock held by him in said company, for all debts and liabilities of the company, but shall not be liable to an action therefor before an execution shall be returned unsatisfied, in whole or in part, against the corporation; and the amount due on such execution shall be the amount recoverable, with costs, against such stockholder.

Individual liability of stockholders.

§ 11. This act shall take effect immediately.

Chap. 595.

AN ACT legalizing and confirming the vote taken at the annual town meeting of the town of Olean, in the county of Cattaraugus, the twenty-fourth day of February, eighteen hundred and seventy-four, to assess and raise money to build the foundation for a bridge over Olean creek, at Martin's Mills.

Passed June 1, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The vote taken at the annual town meeting of the town of Olean, in the county of Cattaraugus, the twenty-fourth day of February, eighteen hundred and seventy-four, on a preamble and resolution to assess and raise by special tax two thousand dollars to build the foundation for a bridge over Olean creek, at Martin's Mills, is hereby legalized and confirmed.

§ 2. This act shall take effect immediately.

Chap. 596.

AN ACT to incorporate the Manhattan Mortgage Company.

Passed June 1, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Corporators.	SECTION 1. Prosper M. Wetmore, Seth D. Mills, Jarvis S. Baker, Daniel Stratton, Leonard Rice, William H. Morell, Edward Hogan, B. B. Ford, Egbert Hedge, Eugene E. Bogert, Robert W. Murray, James P. Darcy, Edward A. Lawrence, Joseph D. Randall, Henry S. Jackson, Edwin S. Rollin, Daniel Barret and Samuel A. McKinley are hereby
Corporate name.	constituted a body corporate, by the name of the Manhattan Mortgage Company, and by that name shall have succession.
Powers.	§ 2. The corporation hereby created shall have the general powers and privileges, and be subject to the liabilities mentioned and declared in the third title of the eighteenth chapter of the first part of the Revised Statutes, and in addition thereto it shall have power :
To lend money, &c.	1. To lend money upon or purchase bonds and mortgages upon real estate situated within the United States.
To issue bonds.	2. To issue bonds of said company and to sell and dispose thereof ; but the amount of such bonds outstanding at any time shall not exceed the paid-up capital of said company, and the amount of moneys then owing to said company upon the loans aforesaid ; and such bonds may be made payable to bearer, or may be registered bonds.
To receive deposits.	3. To receive moneys on deposit at such rates of interest as may be agreed upon, not exceeding the lawful rate of interest.
To sell bonds and guaranty payment.	4. To sell bonds secured by mortgages upon property situated within the United States, and to guarantee the payments of the principal and interest of the same.
To purchase, hold, &c., real estate.	5. To purchase, hold and convey all such real or personal estate as shall be necessary for said company to use in the transaction of its business, or such as said company may acquire in the collection or settlement of its demands or claims, or purchase or take on the foreclosure or enforcement of mortgages.
Capital stock.	§ 3. The capital stock of said company shall be five hundred thousand dollars, divided into shares of one hundred dollars each ; which capital may be increased from time to time by the issue of additional shares of one hundred dollars each, as said company may see fit, to an amount not exceeding one million dollars. The principal office of said company shall be in the city of New York.
Board of directors.	§ 4. The corporate powers of said company shall be exercised and its business and affairs shall be conducted and managed by a board of directors of not less than seven nor more than thirteen, except as provided in this act. The corporators, namely, the persons named in the first section of this act, shall have the management of the company's affairs, with power to fill vacancies in their own number, until directors shall be chosen by the stockholders, and shall enter upon the duties of their office, and a majority of the corporators shall be a quorum for any business, and a majority of those present at any meeting thereof shall control.
Quorum.	
Subscriptions to capital stock.	§ 5. The corporators shall open, or cause to be opened, books of subscription to the capital stock of said company, and give due notice thereof, by advertisement in one or more newspapers of the city of New

York. Each subscriber shall pay ten per cent. of the amount of shares he subscribes for at the time of subscription, or his subscription shall be invalid. In cases where subscription books are opened for an increase of capital, the holders of shares theretofore issued, and then outstanding, shall have a preference in subscribing to such extent and in such manner as the board of directors shall determine. The said company shall have power to call in the amount of capital by installments. If any subscriber shall fail to pay any such installment, after sixty days' notice requiring payment thereof, the shares on which the installment shall be in arrear, together with all previous payments thereon, shall be forfeited to the use of said company. The said company may commence business whenever the majority of the capital shall have been subscribed and twenty-five per cent. shall have been paid in thereon.

Business, when to commence.

§ 6. The first election of directors shall take place at a stockholders' meeting, to be called by the corporators at the company's office in New York, at such time as the corporators shall, for that purpose, appoint, after a majority of the capital stock shall have been subscribed for, of which notice shall be given in one or more newspapers published in the city of New York, for at least ten days next previously. Each shareholder shall be entitled to cast one vote for each share of stock of said company standing on the books in his name; the corporators shall designate inspectors of such election; and the election shall be held and conducted according to the regulations concerning the election of directors of moneyed corporations contained in the second article of the second title of the eighteenth chapter of the first part of the Revised Statutes. The said first stockholders' meeting shall have power to make by-laws, which shall control the directors and officers of the company, and regulate its affairs; provided the same be not repugnant to this act, nor contrary to law.

First election of directors.

Notice.

How conducted.

By-laws.

§ 7. The board of directors shall exhibit to the Comptroller of this State, whenever required by him, a full statement of the company's affairs, in such form and verified in such manner as he shall direct; and the Comptroller, if he sees fit, may refer such statement to a referee, with directions to make full and thorough investigation into the affairs and management of the company, and to report his opinion in relation to the ability and integrity with which its affairs are conducted, and the prudence and safety of its investments and the security afforded to those by whom its engagements are held; and the expenses of every such investigation shall be defrayed by the company in such sum as the Comptroller shall certify to be reasonable and just. The Comptroller shall furnish a copy of said referee's report to the company, and he may also bring to the attention of the Legislature such annual report and such referee's report thereon, with any recommendations he may deem fit to make in respect of the company. The books of the company shall be open for inspection to the Comptroller of this State, and to such other persons as the Legislature or Comptroller may designate for that purpose at all times during hours of business.

Statement to comptroller and investigation of affairs of company.

Expenses.

Referee's report.

§ 8. The stockholders of said company shall be individually liable for the dues of the company to the amount of their respective shares, but such liability shall not be enforced against any stockholder until after judgment has been recovered against said company for said dues, and execution has been returned unsatisfied thereon.

Liability of stockholders.

§ 9. The loans on mortgages above mentioned may be made to individuals, corporations, associations, States, cities, provinces and towns or other municipal bodies authorized thereto; and in any case it shall be lawful for the borrower to accept bonds of said company in lieu of

To whom loans may be made.

Interest.

Bonds
may be
payable in
gold coin,
&c.Not to
loan to
officers of
company.

money on such loans, and in every such case the mortgage given for the loan and the bonds of the company issued or taken in lieu of money shall be valid and of full force, notwithstanding any difference there may be between the rate of interest secured or payable on the said bonds of the company and the rate of interest secured or payable on such mortgage. It shall be lawful for said company to make either the principal or interest, or both, or any of its bonds payable in the gold coin of the United States or in any other currency, domestic or foreign, and in such case it shall be bound fully to make good the same to the holder.

§ 10. No loan shall be made by the company on mortgage of real estate to more than one-half the estimated value thereof. No loan shall be made to any director or officer of the company, nor shall any loan or advance of money be made at a rate of interest exceeding the legal rate in the State in which the land on which said loan or advance is made is situated.

§ 11. This act shall take effect immediately.

Chap. 597.

AN ACT to amend section nine of chapter five hundred and eight of the laws of eighteen hundred and seventy-three, entitled "An act to incorporate the Long Island Loan and Trust Company."

Passed June 1, 1874.*

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section nine of chapter five hundred and eight of the laws of eighteen hundred and seventy-three, entitled "An act to incorporate the Long Island Loan and Trust Company" is hereby amended so as to read as follows :

Liability
of stock-
holders.Half-year-
ly reports.Impair-
ment of
capital
stock.

§ 9. The stockholders of said corporation shall be individually liable for the debts and contracts of the corporation to an amount equal to the amount of stock held by them respectively. Such liabilities shall not be enforced until judgment has been obtained and execution thereon issued and returned unsatisfied against said corporation, and the corporation hereby created shall be subject to the provisions of titles three and four, chapter eighteen, part first of the Revised statutes ; and the said directors shall make out and transmit to the Superintendent of the Banking Department half-yearly reports as to the condition and standing of said association hereby constituted, as provided for bank reports by act passed May twenty-six, eighteen hundred and forty-one, chapter three hundred and nineteen, entitled "An act to amend an act entitled 'An act to authorize the business of banking.'" If the capital stock of said company shall, by any reason become impaired, the stockholders shall be liable for the debts and liabilities of said company to the extent of such impairment.

§ 2. This act shall take effect immediately.

* Certified by the presiding officer of the Senate as having passed the Senate, "three fifths being present."

Chap. 598.

AN ACT authorizing the electors of the town of Olean, Cattaraugus county, at their next annual town meeting, to vote a special tax for the building of a bridge over Olean creek at Martin's Mills.

Passed June 1, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The electors of the town of Olean, Cattaraugus county, are hereby authorized, at their next annual town meeting, to vote a special tax, not to exceed the sum of three thousand dollars, for the building of a bridge over Olean creek at Martin's Mills, in said county.

§ 2. This act shall take effect immediately.

Chap. 599.

AN ACT to amend an act entitled "An act to authorize the town of Ellisburgh, in the county of Jefferson, to raise money to build a town house," passed May first, eighteen hundred and sixty-nine.

Passed June 4, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The action of the special town meeting of the town of Ellisburgh, held on the twenty-seventh day of May, eighteen hundred and sixty-nine, as authorized by an act passed May first, eighteen hundred and sixty-nine, entitled "An act to authorize the town of Ellisburgh, in the county of Jefferson, to raise money to build a town-house," is hereby legalized and confirmed, and the supervisor and justices of the peace of the town of Ellisburgh are hereby authorized and directed to issue the bonds of the said town of Ellisburgh, and to build and complete the said town-house within one year from the passage of this act as provided in the "Act to authorize the town of Ellisburgh, in the county of Jefferson, to raise money to build a town-house," passed May first, eighteen hundred and sixty-nine.

§ 2. This act shall take effect immediately.

Action of
special
town
meeting
legalized.

Super-
visors and
justices to
issue
bonds and
complete
town
house.

Chap. 600.

AN ACT to amend an act entitled an act to convey to creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors, passed April thirteenth, eighteen hundred and sixty.

Passed June 4, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section two of chapter three hundred and forty-eight of the laws of one thousand eight hundred and sixty, is hereby amended by adding at the end thereof as follows :

Assign-
ment not
made in-
valid by
refusal of
assignor
to deliver
inventory.
Assignee
may make
and file
inven-
tory.

Debtor
may be
compelled
to dis-
close.

Assignee
may ad-
vertise for
claims.

Assignee
protected.

Provi-
sions of
section
one ap-
plied to
existing
cases.

8. But in case such debtor or debtors shall omit or refuse to make and deliver such inventory or schedule and affidavit as above specified, the assignment shall not for such reason become invalid or ineffectual ; but in such case the assignee or assignees named in such assignment, may, within six months after the date thereof, cause to be made and file in the clerk's office of the county where such debtor or debtors resided or conducted their business at the date of such assignment, an inventory or schedule of all the property of such debtor or debtors which he or they may be able to find ; and for that purpose the county judge of such county may, at any time, compel such delinquent debtor or debtors to disclose any knowledge or information he may have relative to the matters hereinbefore mentioned in the manner prescribed in the fourth section of this act.

9. Such county judge may, by an order to be entered in the county clerk's office of such county, authorize such assignee or assignees to advertise for creditors to present to him or them their claims, with the vouchers duly verified, on or before a day to be specified in such advertisement or notice, not less three months from the date of the first publication of such notice, which advertisement shall be by publication once in each week for four successive weeks in such newspapers printed in the county where such assignment was made, as the county judge shall designate in the order authorizing such publication, and if the assignee have reason to believe that any creditor entitled to share in the distribution of such trust estate resides out of this State, he shall also cause such notice to be published once in each week for six successive weeks in the official newspaper of this State, and the assignee or assignees of such debtor or debtors, shall by the order or decree of the said county judge made on the final accounting of such assignee, be protected against any claim or demand not presented in compliance with such notice before such accounting shall be had.

§ 2. The provisions of section one of this act shall apply to all cases of assignments heretofore made under any of the provisions of chapter three hundred and forty-eight of the laws of one thousand eight hundred and sixty and its amendments which are now depending unsettled.

§ 3. This act shall take effect immediately.

Chap. 601.

AN ACT to amend an act entitled An act to incorporate the New York Bridge Company, for the purpose of constructing and maintaining a bridge over the East river between the cities of New York and Brooklyn, passed April sixteenth, eighteen hundred and sixty-seven, and to provide for the speedy construction of said bridge.

Passed June 5, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. When the cities of New York and Brooklyn shall, by vote of the common councils of said cities respectively, or when either of said cities shall so accept the provisions of the third section of this act, and when the owners of two-thirds of the private stock of the New York bridge company shall accept the provisions of the second section of this act, then and thereafter the board of directors of the New York bridge company shall consist of twenty members to be appointed as follows:

The mayor and comptroller of the city of New York shall appoint eight of such directors, and the mayor and comptroller of the city of Brooklyn shall appoint eight of such directors. The mayors and comptrollers of said cities respectively shall, by virtue of their offices, be directors of the said company, and, with the persons to be appointed as aforesaid, shall constitute the board of directors of the said company. Any vacancy occurring in said board, by reason of death, resignation, removal from*, or by neglect to attend the regular meetings of the board for a period of three months, unless prevented by sickness or excused by a vote of the board, shall be filled in the same manner as the director, whose place shall become vacant was appointed. Directors appointed to fill vacancies shall hold their places for the unexpired part of the term of the directors in whose places they may be appointed. The directors appointed, in pursuance of this section, shall hold their places until said bridge is completed or open for travel.

§ 2. Whenever any private stockholder of the New York bridge company shall give his assent to this act, by an instrument in writing, signed and acknowledged by him, so as to entitle it to be recorded, and the same shall be duly recorded in the offices of the registers of the city and county of New York, and of the county of Kings, respectively, the directors to be appointed under the provisions of this act, on behalf of the cities of Brooklyn and New York, are hereby authorized to purchase the rights of any such private stockholder in the said company, which rights shall be determined by the amount paid by each of said stockholders, together with the interest on the same from the time of payment, and to provide for the payment thereof, upon such terms as they may be able to agree upon.

§ 3. The said bridge is hereby declared to be a public highway for the purpose of rendering the travel between the cities of New York and Brooklyn certain and safe at all times, subject, nevertheless, to

Board of directors, number of members, and when and how to be appointed.

Ex officio members.

Vacancy, how filled.

Term of office.

Rights of private stockholders, purchase of.

Bridge to be a public highway.

* So in original.

such tolls and prudential and police regulations as the said board of directors shall, from time to time, establish and prescribe, and for the purpose of completing the same the cities of New York and Brooklyn respectively, in addition to the amounts already subscribed by them, are authorized to issue bonds, bearing interest, not to exceed seven per cent. per annum, and to provide and pay to said company in the manner heretofore paid by them, the following sums of money, viz.: The city of New York, the sum of five hundred thousand dollars in each of the years eighteen hundred and seventy-four and eighteen hundred and seventy-five, and the city of Brooklyn the sum of one million dollars in each of said years, and the cities of New York and Brooklyn shall hold and be invested respectively, with the stock in said company, in addition to such as they may otherwise hold, equal to the amount so to be paid by them as aforesaid, for which purpose the capital stock of said company shall, by virtue of such payment, be increased to the amount thereof, from time to time as the same shall be paid.

§ 4. The said company shall be chargeable by the comptrollers of the cities of New York and Brooklyn respectively, with all interest on the bonds issued by them under this act, and the sums required to pay such interest shall be withheld by them annually from the appropriation provided for in the preceding section, and shall form and be charged on the books of said company as part of the cost of construction of said bridge. On the completion of said bridge, the income derived from the same by the cities of New York and Brooklyn shall be applied towards the payment of the principal and interest of all bonds issued by the said cities for their stock in said bridge. In the year eighteen hundred and seventy-nine, and annually thereafter, there shall be paid into the sinking fund of said cities respectively, one hundred and fifty thousand dollars, for the purpose of paying said bonds at maturity, and any deficiency in the amount of principal or interest annually required, shall be raised in the annual taxes of the said cities respectively.

§ 5. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 6. This act shall take effect immediately.

Chap. 602.

AN ACT to provide for the liquidation, funding and payment of the debts of the town of Newtown, in Queens county, as apportioned between Long Island City and the town of Newtown.

Passed June 5, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Board of
audit con-
stituted.

SECTION 1. The persons holding the offices of mayor of Long Island City and of supervisor of the town of Newtown, and of supervisor of Long Island City, are hereby constituted a board of audit for the examination of all debts, obligations and liabilities of the town of Newtown, existing at the time of the passage of the act entitled "An act providing for the division of the town of Newtown, in Queens county, and the apportionment of the town property and town debts," passed March twenty-seventh, eighteen hundred and seventy-one, or which had been authorized or directed by an act then existing, and shall

possess the power and perform the duties hereinafter prescribed, and in case of the death of any one of the said persons, his successor and the survivors may exercise the powers hereby conferred.

§ 2. Within ten days after this act shall take effect as a law, it shall be the duty of the several persons referred to in the last preceding section to meet together and organize a board, of which board the mayor of Long Island City shall be the presiding officer, and before proceeding to the discharge of any further duty each of the said persons shall take and subscribe an oath faithfully to perform the duties imposed upon him by this act, which oath may be taken before any officer authorized to administer oaths, and shall be filed in the clerk's office of Queens county.

Organiza-
tion.

Oath to
be taken.

§ 3. The said board, within ten days after its organization, shall cause notice to be published in all the newspapers printed in Long Island City, and in the town of Newtown, setting forth that the board will meet at a time and place to be specified in such notice, and not less than twenty days after the first publication thereof, to perform the duties imposed upon them by this act, and requiring all persons having claims or demands against the town of Newtown, existing at the time of the division of the said town pursuant to the said act, and whether then due and payable, or thereafter to become due and payable, to attend before the said board at the time and place mentioned in such notice.

Notice,
what to
contain.

§ 4. It shall be the duty of the several persons composing the said board to meet at the time and place specified in such notice, and hear and examine the several claims and demands presented to them, and to adjourn from time to time as may be necessary for that purpose; and in case all the members of the said board shall concur in the allowance of any claim or demand, the decision of the said board shall be final and conclusive upon all parties, and the said claim or demand shall be deemed a just and valid debt of the town of Newtown, and entitled to be funded or paid, at the election of the creditor, under the subsequent provisions of this act; but in case the members of the said board shall be divided in opinion as to the justice of any claims or demands presented to them against the said town, or shall question or deny the liability of the said town to pay such claims or demands, then and in every such case the said board, or any member thereof, in the name and on the behalf of Long Island City and the town of Newtown, shall, within sixty days, through their counsel, present a petition duly verified to the Supreme Court, at any special term thereof to be held in the second judicial district, setting forth that the claims or demands therein mentioned or referred to have been presented to the said board of audit, and that the members of the said board are divided in opinion as to the justice thereof, or question or deny the liability of the town of Newtown to pay the same; and upon such petition being presented, the said Supreme Court shall have jurisdiction to adjudicate upon the said claims or demands, and upon all questions arising thereupon, and to determine the amount due, or to become due, to the persons respectively claiming to be creditors of the said town of Newtown in respect to the subject-matter mentioned in the said petition, and the liability of the said town of Newtown at the time of the division of the said town to pay the same. And in case the claims or demands referred to in said petition shall form part of a class or series, it shall be sufficient to authorize the said court to acquire jurisdiction over the whole class or series of which the claims or demands presented shall form a part, for the said petition to set forth the facts in

Duties of
board.

Decision,
when
final.

Proceed-
ings when
members
of board
are di-
vided.

Petition
to su-
preme
court.

Jurisdi-
ction of
court.

Separate
petition
may be
presented.

Issues of
fact, how
tried.

Notice to
persons
claiming
to be cred-
itors.

Power of
the court.

May ap-
point
referee.
Costs.

Appeal.

When
board al-
lows
claims,
resolution
must be
passed.

Copy to
be filed.

Copy of
final order
to be filed.

relation to the claims or demands presented, and that such claims or demands are parcel of an alleged class or series; and thereupon the said court shall have jurisdiction to adjudicate upon the whole class or series of alleged debts, of which the claims or demands presented shall form a part, and upon all questions arising thereupon, and to determine the amount due or to become due to the holders respectively of the same. And the said board, or any member thereof, in the name and on the behalf of the said Long Island City and town of Newtown, may, by their counsel, from time to time, present a separate petition for each class or series of claims or demands to the said court, duly verified, and thereupon the said court shall be deemed to have acquired, and may exercise the jurisdiction hereinbefore conferred in respect to the claims or demands embraced in such separate petition. Issues of fact in any proceedings commenced pursuant to this section may be tried by jury or the court, as the nature of the case may require, and the court shall direct.

§ 5. Upon the said petition being presented to the said court, and before any further proceedings shall be had, the said court shall require notice to be given to all persons claiming to be creditors of the said town of Newtown, in respect to the subject-matter mentioned in the said petition, which notice shall be published in such newspapers, and for such periods of time, as may be directed by the court, and shall also be published in such other manner as the said court may deem reasonable and proper, or shall be served on the said persons claiming to be such creditors, as the said court may direct; which notice shall require all persons having any claim or demand of the description referred to in the said petition against the said town of Newtown, existing at the time of the passage of the act for the division of the said town, on the twenty-seventh day of March, eighteen hundred and seventy-one, to present such claims at a time and place to be fixed by the court, or be precluded from commencing or maintaining any action for the recovery thereof; and the said court shall have full power to adjudicate upon such claims, and the amount then due, or thereafter to become due, to any claimant, and to make such determination thereupon as may be just.

§ 6. The said court shall have power to appoint a referee for any of the purposes contemplated by this act.

§ 7. The said court may award costs to, or impose the payment of costs upon, any person or party litigating in respect to the said claims, as may be just.

§ 8. Any person or party aggrieved by any order or adjudication of the said court may appeal therefrom. Such appeal shall be taken within the time limited for appeals in civil actions, and the provisions of law applicable to appeals in civil actions shall apply thereto.

§ 9. In the cases in which the said board of audit shall concur in the allowance of any claims or demands which shall have been presented to them, it shall be the duty of the said board to pass a resolution to that effect specifying the claims allowed, and the amounts thereof, and the names of the claimants, and a copy of the said resolution, certified by the presiding officer of the said board, shall be filed in the office of the clerk of Long Island City, and in the office of the town clerk of Newtown; and in the cases which shall come before the said supreme court for adjudication, a copy of the final order of the said court, and of the final order of the appellate court, if appealed from, shall be filed in each of the said offices, and in all cases which shall be decided by the

said board of audit or by the said Supreme Court, it shall be lawful for the said board or court to allow or refuse interest as may be just.

§ 10. The proportion of the debts allowed by the said board, or adjudicated by the said court, against the town of Newtown, to be borne and paid by the said Long Island City, shall be sixty-two and two-tenths per cent., and the proportion thereof to be borne and paid by the town of Newtown shall be thirty-seven and eight-tenths per cent. as apportioned by the act for the division of the town of Newtown, mentioned in the first section of this act, and the said debt in the proportions aforesaid is hereby made a charge upon the taxable property, real and personal, of Long Island City, and of the town of Newtown respectively.

Proportion to be paid by Long Island City and town of Newtown.

Charge.

§ 11. All sum or sums of money which shall have been paid, or which shall hereafter be paid by the said Long Island City or town of Newtown, in satisfaction of the debts allowed by the said board as adjudicated by the said court against the town of Newtown shall be credited to the city or town paying the same as part of the percentage of said debts charged upon such city or town, and referred to in the last preceding section of this act.

Payments, how to be credited.

§ 12. For the purpose of paying or providing means for the payment of the aforesaid proportion of the said debt, to be borne and paid by Long Island City, it shall be the duty of the common council to issue the bonds or obligations of said Long Island City under the seal of the said city, and authenticated by the signatures of the mayor and city clerk, in sums not less than five hundred dollars each, drawing interest at seven per cent. a year, with coupons attached, signed by the city clerk, for the payment of said interest, on the first day of February and August in each year, which bonds shall be called the funded debt of Long Island City for Newtown debt, and shall be so drawn that the principal therein mentioned shall be and become payable in classes or series in the amounts and on the first day of February in the years specified in the said bonds or obligations, commencing on the first day of February, in the year eighteen hundred and seventy-nine, when twenty thousand dollars of principal shall become due and payable, and twenty thousand dollars in each year thereafter, until the whole amount shall be paid and discharged; which bonds or obligations shall be a charge upon all the taxable property, real and personal, of Long Island City; and it shall be the duty of the common council, in the annual tax levy next preceding the maturity of the principal and interest of any of the said bonds or obligations, to levy, assess and collect the sums of money necessary for the payment thereof, with the general taxes for city purposes, and the provisions of the charter applicable to such taxes, and the assessment and collection thereof, shall apply to the tax hereby authorized and directed.

Bonds, common council to issue.

How payable.

Bonds to be a charge.

Tax.

§ 13. For the purpose of paying or providing means for the payment of the aforesaid proportion of the said debt, to be borne and paid by the town of Newtown, it shall be the duty of the supervisor and town clerk of the said town to issue the bonds or obligations of the said town of Newtown, authenticated by the signatures of the said supervisor and town clerk, in sums not less than five hundred dollars each, drawing interest at seven per cent. per annum, payable on the first day of March and September in each year, with coupons attached, signed by the town clerk, for the payment of said interest which bonds or obligations shall be known as the funded debt of Newtown, and shall be so drawn that no part of the principal sum therein mentioned shall become due and payable before the first day of March in the year eighteen hundred

Bonds, supervisor and town clerk to issue.

When payable.

Bonds to
be a
charge.

Tax for
payment
thereof.

Bonds,
creditors
may ac-
cept in
payment.

May be
sold.

Board of
audit may
employ
counsel
and a
clerk.
Compen-
sation.

Disburse-
ments,
costs, &c.,
how paid.

Powers of
board,
when to
cease.

and seventy-nine, and shall be arranged in such classes or series that twenty thousand dollars of the said principal shall be paid on the said first day of March, in the year eighteen hundred and seventy-nine, and twenty thousand dollars of principal shall be payable and paid on the first day of March in each year thereafter until the full payment of the whole amount of the said proportion of the said debt to be borne and paid by the said town of Newtown shall be paid and discharged. And the said bonds or obligations hereby authorized to be issued are hereby declared to be a charge upon the taxable property, both real and personal, of the said town of Newtown; and the supervisors of Queens county shall from time to time, in the tax levies respectively next preceding the maturity of the principal or interest of any of the said bonds or obligations, assess, levy and collect against the property, real and personal, of the said town of Newtown, and in the same manner as other taxes, State, county and town, are assessed, levied and collected, the amounts necessary for the payment of the interest and principal of the said bonds or obligations; and shall include the same in the tax-warrant to be issued by the said supervisors, according to law; and the supervisor of the said town shall pay the said interest and principal of the said bonds or obligations as the same shall fall due respectively.

§ 14. If the creditors entitled to receive the debt aforesaid are willing to accept the bonds or obligations authorized by this act in payment thereof, it shall be lawful for the common council of Long Island City, and for the supervisor of the town of Newtown, to deliver the said bonds or obligations in payment at par to such creditors; and the said common council of Long Island City, and the said supervisor of the town of Newtown, shall be and they hereby are authorized and empowered to dispose of the said bonds or obligations at not less than par to any person or persons willing to purchase the same, and use the money in payment of the said debt.

§ 15. The said board of audit shall keep minutes of its proceedings, and shall be authorized to employ counsel for any purpose contemplated by this act, and may employ a clerk at such salary as they may think reasonable. Each member of the said board shall be entitled to three dollars a day for each day spent in the performance of his duties under this act, which compensation and the expenses incurred by the said board for counsel fees, clerk hire, printers' bills, and all other necessary disbursements, and also any costs which may be imposed upon the said city or town by the said Supreme Court, shall be a charge upon Long Island City and the town of Newtown, in the proportions fixed for the payment of the aforesaid debts. And the common council of said city, and the supervisor of said town, are respectively hereby authorized, temporarily, to borrow money for the payment of the proportion chargeable to such city or town of the costs and expenses attending the execution of the provisions of this act, and the amount thereof shall be included in and paid out of the next annual tax levy.

§ 16. The powers conferred by this act upon the members of the said board of audit, in the examination of claims and demands presented to them, shall cease and determine at the expiration of six months from the time of the passage of this act; but such powers shall continue in respect to the legal proceedings initiated by the said board, in pursuance of this act, until the final end and determination of such proceedings. And it is hereby made the duty of the said board to take the charge and control of the said legal proceedings, on behalf of the said city and town.

§ 17. This act shall take effect immediately.

Chap. 603.

AN ACT to repeal chapter three hundred and forty-six of the laws of eighteen hundred and sixty-five, entitled "An act authorizing the election of chiefs and clerk of the St. Regis Indians and defending their powers," passed April tenth, eighteen hundred and sixty-five.

Passed June 5, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Chapter three hundred and forty-six of the laws of eighteen hundred and sixty-five, entitled "An act authorizing the election of chiefs and clerk of the St. Regis Indians and defining their powers," passed April tenth, eighteen hundred and sixty-five, is hereby repealed. Repeal.

§ 2. This act shall take effect immediately.

Chap. 604.

AN ACT to provide for the surveying, laying out and monumenting of certain portions of the city and county of New York, and to provide means therefor.

Passed June 5, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The commissioners of the department of public parks of the city of New York shall have and possess exclusive power to lay out, survey and monument all streets, roads, avenues, public squares and places within that part of the city of New York, north and east of a line commencing at the termination of the southerly line of One Hundred and Fifty-fifth street, at or in the Hudson river, running thence easterly along said southerly line of One Hundred and Fifty-fifth street, and a prolongation of said line to the middle of Harlem river, and running thence southerly, along the middle of the said Harlem river, to the Sound north of Randel's* Island, of such width, extent and direction, and upon such grades as to them, or a majority of them, shall seem most conducive to the public good; and to change the location, width, course, windings and grades of the streets, avenues and roads, now laid out within the said part of the city of New York; or to discontinue and close the same or any portion thereof, as to the said commissioners, or a majority of them, shall seem most conducive to the public interest; and in like manner to devise and prepare plans for the proper sewerage and drainage of that portion of the city of New York, comprised in the twenty-third and twenty-fourth wards of said city. Powers of commissioners of parks to lay out, survey and monument streets, roads and avenues.
Change of course, grade, &c.
Sewerage and drainage.

§ 2. It shall and may be lawful for the said commissioners of the department of public parks, and for all persons acting under their authority, to enter in the day time into and upon any lands, tenements Right of entry.

Maps to
be made.

To be cer-
tified.

To be
filed.

Monu-
ments.

Maps, &c.,
final as to
location,
width and
grades of
streets,
&c.

Commis-
sioners
may ac-
quire title.

and hereditaments which they shall deem necessary to be surveyed, used or converted for the laying out, surveying and monumenting of any such streets, avenues, roads or public squares or places; and the said commissioners shall cause three similar maps or plans and profiles of the streets, avenues, roads or public squares or places so to be laid out by them as aforesaid, and of the shores bounding the lands by them surveyed, to be made, showing the width, course, windings and grades of such streets, avenues, roads and public squares and places, accompanied with such field-notes and explanatory remarks as the nature of the subject may require, which maps, plans and profiles, together with such notes and remarks, shall be certified to by the president of the said board of commissioners of the department of public parks, or by one of the officers or commissioners of said board designated by said board for that purpose, before any person authorized by law to take acknowledgment of deeds and conveyances, and be filed, one in the office of the Secretary of State, to remain of record, one in the office of the register of the city and county of New York, and the other of said maps in the office of the said commissioners of the department of public parks. The said commissioners shall not be required to complete the laying out of all the streets, avenues and roads, public squares and places to be laid out pursuant to this act, before filing maps and plans for any portion thereof, but whenever they shall deem the public interest so requires, they may file in the offices hereinbefore designated, maps, plans or profiles, certified to, as hereinbefore provided, of such streets, avenues, roads, public squares and places as they may then have laid out, or any one of such streets, avenues or roads, public squares or places; accompanied by such field-notes and explanatory remarks as hereinbefore provided, and all the provisions of this act shall be applicable to the streets, avenues and roads, public squares and places exhibited upon the maps, plans or surveys so filed; but such streets, avenues and roads, public squares and places, or so much or such portions thereof as the said commissioners or a majority of them shall deem proper, shall be again exhibited upon or in connection with the maps, plans or surveys filed upon the completion of the whole work. The said commissioners shall erect suitable and durable monuments whenever they, or a majority of them, shall deem it necessary to define and designate said streets, avenues, roads, public squares and places, the location of such monuments to be noted upon the maps or plans and profiles filed by them.

§ 3. The maps, plans and profiles of the said commissioners of the department of public parks, made and certified to as hereinbefore provided, shall be final and conclusive as to the location, width and grades of the streets, avenues and roads, public squares and places exhibited on such maps, plans and profiles, as well in respect to the mayor, aldermen and commonalty of the city of New York, as in respect to the owners and occupants of lands, tenements and hereditaments within the boundaries aforesaid, or affected by said streets, avenues, roads, public squares and places, and in respect to all other persons whomsoever.

§ 4. The commissioners of the department of public parks, for and in behalf of the mayor, aldermen and commonalty of the city of New York, are authorized to acquire title for the use of the public, to all or any of the lands required for the streets, avenues and roads, public squares and places so laid out by them, in the twenty-third and twenty-fourth wards of the said city of New York or any portion of said streets, avenues, roads, public squares and places in the said twenty-third and twenty-fourth wards of said city, whenever they shall deem

it for the public interests so to do; and such commissioners, or a majority of them, may for that purpose make application to the Supreme Court in the first judicial district for the appointment of commissioners of estimate and assessment, specifying in such application the lands required for that purpose, and the proceedings to acquire title to such lands shall be had pursuant to such acts as shall then be in force relative to the opening of streets, avenues, roads and public squares and places in the city of New York, which said acts, so far as the same are not inconsistent with the provisions of this act, are hereby made applicable to the streets, avenues, roads, public squares and places so laid out or to be laid out by said commissioners of the department of public parks, in the same manner and to the same extent as if the said streets, avenues, roads, public squares and places had been originally laid down as and for public streets, roads, avenues, squares and places by the commissioners appointed in and by the act entitled "An act relative to improvements touching the laying out of streets and roads in the city of New York, and for other purposes," passed April third, one thousand eight hundred and seven, except that the said commissioners of estimate and assessment who may be appointed as herein provided, may assess for such opening all such parties and persons, lands and tenements as they may deem to be benefited by such improvement, to the extent which said commissioners of estimate and assessment deem such parties, persons, lands and tenements benefited thereby, provided that as to streets, avenues or roads which shall be, in the opinion of the said commissioners of estimate and assessment, or a majority of them, more than one mile in length, not more than one-half of the amount awarded for damages, and of the expenses attending such opening, shall be so assessed; the amount of such damages and expenses not so assessed being hereby made a charge upon the city of New York, to be paid as hereinafter provided. The moneys collected upon the assessment of the commissioners of estimate and assessment shall be paid into the county treasury.

Proceedings therefor.

Assessment for benefits.

Proviso.

§ 5. No compensation shall be allowed for any buildings, erection or construction which at any time subsequent to the filing of the maps, plans or profiles mentioned in the second section of this act, may be built, erected or placed in part or in whole upon or through any street, avenues, road, public square or place exhibited upon such maps, plans or profiles.

Compensation for buildings, &c.

§ 6. The damages awarded by commissioners of estimate and assessment, appointed pursuant to the provisions of this act, shall become due and payable immediately upon the confirmation of the report of said commissioners of estimate and assessment.

Damages, when payable.

§ 7. For the payment of the damages awarded by the commissioners of estimate and assessment in any proceedings instituted by virtue hereof, and of the expenses, charges and disbursements in the premises, the comptroller of the city of New York is hereby authorized and directed to create and cause to be issued, in the name and in behalf of the city of New York, a public fund or stock, payable not more than forty years from the date of issue thereof, which fund or stock shall be a charge upon the said city, and shall be issued at such time and times, and in such manner, of such description, and in such amounts as may be directed by resolution of the commissioners of the department of public parks. The moneys collected upon the assessment laid by the commissioners of estimate and assessment, as hereinbefore provided, shall be applied toward the payment of said fund or stock or to the payment of said awards and expenses, if received before the issue of

Public fund or stock to be created and issued.

Moneys collected upon assessments, how applied.

Tax to
pay stock.

such fund or stock. The board of supervisors of the county of New York, shall annually order and cause to be raised on the estates, real and personal, subject to taxation within said county, until the whole amount of said fund or stock be paid, a sum of money sufficient to pay the interest upon such fund or stock, and in the year before the maturity of such stock, the said supervisors shall order and cause to be raised in like manner, such amount as may be necessary, in addition to the assessments which may have been collected, as hereinbefore provided, to pay the principal amount of such fund or stock.

Means for
carrying
on the
work, how
to be ob-
tained.

§ 8. To provide the means for carrying on the work of laying out, surveying and monumenting, and devising and preparing plans authorized by this act, during the year one thousand eight hundred and seventy-four, and also to pay for indebtedness existing at the date of the passage of this act, together with interest thereon until payment, for similar work performed in said portion of the city of New York, under authority of law, and under the direction of the department of public parks of the city of New York; the comptroller of the city of New York is hereby authorized and directed to create, within twenty days after requisition is made on him so to do, by resolution of the commissioners of the department of public parks, or a majority of them, in the name and in behalf of the county of New York, a public fund or stock, to an amount to be mentioned in said requisition, and not exceeding one hundred thousand dollars, payable on the first day of November, one thousand eight hundred and seventy-five, with interest at the rate of seven per centum per annum; and said comptroller shall issue such fund or stock in such amounts, and in such manner, and at such times during the year one thousand eight hundred and seventy-four, as may be directed by resolution of the said commissioners of the department of public parks, and the proceeds of such fund or stock shall be applied to the specific objects mentioned in this section, and to none other.

Tax in the
year 1875.

§ 9. The board of supervisors of the county of New York are hereby authorized and directed to raise and cause to be raised, during the year one thousand eight hundred and seventy-five, by tax on all lands in the city and county of New York, to be collected in addition to the ordinary taxes for that year, such sum or sums of money as shall be sufficient to pay both principal and interest of the stock or fund authorized to be issued by section eight of this act.

Sums to
be in-
cluded in
annual
estimate.

§ 10. The board of estimate and apportionment of the city of New York shall annually include in the estimate of the amounts necessary to pay the expenses of conducting the business of the department of public parks of the city of New York, such sum or sums of money as shall, in the judgment and discretion of said board, be necessary to carry on the works authorized by this act.

§ 11. This act shall take effect immediately.

Chap. 605.

AN ACT to authorize the Canal Commissioners to build a road or street bridge over the Erie canal on Goodman street, at the east boundary line of the city of Rochester.

Passed June 5, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Canal Commissioners are hereby authorized and required to build a road or street bridge over the Erie canal on Goodman street, at the east boundary line of the city of Rochester, it being the boundary line between the town of Brighton and the said city, in the county of Monroe. The expense of said bridge and its approaches shall not exceed the sum of seven thousand dollars, to be paid out of any moneys appropriated for extraordinary repairs upon said canal. Bridge to be built.
Expense thereof and how paid.

§ 2. The Canal Commissioners before prosecuting any work, in pursuance of this act, shall require and receive a full and sufficient release, properly executed and acknowledged and delivered, free of all expense to the State, of all claims for damages in consequence of said bridge or of the approaches or embankments of the same, and also a good and sufficient license or permission to the State, duly and properly executed, acknowledged and delivered as aforesaid, to alter, raise or change such bridge, approaches or embankments wherever and whenever necessary (which necessity is to be determined by the Canal Commissioners), from all persons whose property, rights or interest may be effected* by said bridge, approaches or embankments. Release and license.

§ 3. This act shall take effect immediately.

Chap. 606.

AN ACT to authorize the Canal Commissioner to construct a road-bridge over the Erie canal in the town of Gates, in the county of Monroe.

Passed June 5, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Canal Commissioner is hereby authorized and required to construct, or cause to be constructed and maintained, at the expense of the State, over the Erie canal in the town of Gates, in the county of Monroe, at a point where said canal is intersected by Emerson street, in said town, a road-bridge, in such manner as he may deem advisable; and the expense of the same, not exceeding seven thousand dollars, may be paid from any money appropriated or to be appropriated for extraordinary repairs of the Erie canal. Before the construction of said bridge, the Canal Commissioner shall require and receive a full and sufficient release, legally executed, acknowledged and delivered, free of expense to the State, of all claims for damages in consequence of the construction of said bridge, or of the approaches and embankments of Bridge to be built.
Expense, how paid.
Release and license.

the same; and also a good and sufficient license or permission to the State, duly executed, acknowledged and delivered, as aforesaid, to alter, raise or change such bridge, approaches, or embankments, whenever necessary, which necessity is to be determined by the Canal Commissioners, from all persons whose property, rights or interests may be affected by such bridge, approaches, or embankments.

§ 2. This act shall take effect immediately.

Chap. 607.

AN ACT to provide for the protection of the guard-lock on the Chenango canal extension and South Water street, and to prevent the inundation of South street in the city of Binghamton.

Passed June 6, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Canal Commissioner in charge of the middle division of the canal is hereby authorized and directed to cause an embankment of earth; secured by a rip-rap wall, to be constructed on the north side of the Susquehanna river, in the city of Binghamton, to extend from the abutment of the Rockbottom bridge up said river a distance of five hundred and fifty feet, and at least two feet above high-water mark as indicated in the year eighteen hundred and sixty-five, and on the south side of said river in said city, to cause the break between the guard-lock and South Water street to be filled with stone and earth of sufficient height to protect said street; provided, said Canal Commissioner shall, on an examination be of the opinion that the State is legally liable for damages which may arise in case said improvement shall not be so made; and said Commissioner is directed to commence said work on or before the first day of May next,* and to have the same completed on or before the first day of September, eighteen hundred and seventy-four; but the expense of said work shall not exceed in the aggregate five thousand dollars.

§ 2. The Treasurer shall pay, on the warrant of the Auditor and said Commissioner of the Canal Department, to meet the expense for doing the work as required and directed in the first section of this act, a sum not exceeding five thousand dollars, from any money appropriated or to be appropriated for extraordinary repairs on the middle division of the canals; three thousand dollars of the amount aforesaid, is to be expended on the work directed in the first section, on the south side of the Susquehanna river, and two thousand dollars, of the aforesaid sum, is to be expended in the construction of the embankment on the north side of the Susquehanna river, as provided in the first section of this act; but the said Canal Commissioner may, if by him deemed necessary and proper, vary the amount to be expended on each branch of said work; provided, however, the aggregate amount to be expended shall not exceed five thousand dollars.

§ 3. This act shall take effect immediately.

* So in original.

Chap. 608.

AN ACT to enable the trustees of the village of Greenbush, to raise, by tax, the sum of eighteen thousand dollars, wherewith to pay the outstanding adjusted claims against said village.

Passed June 6, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The trustees of the village of Greenbush are hereby authorized and empowered to levy and collect, by tax upon the real and personal property within said village of Greenbush, a sum not exceeding eighteen thousand dollars, for the purpose of paying and satisfying lawful claims against the said village as follows: Fire apparatus, three thousand dollars; for completing public buildings, five thousand dollars; for lawyers' fees and expenses, seven thousand dollars; and for miscellaneous claims, for which checks have been given since May first, eighteen hundred and seventy-three, against the said village and ordered paid previous to the first day of May, eighteen hundred and seventy-four, three thousand dollars.

Trustees authorized to levy and collect tax.
Objects.

§ 2. The money collected by the tax hereby authorized shall not be used for any other than the above-specified purposes, and any violation of this act by the treasurer or trustees shall be a misdemeanor, and punishable by fine and imprisonment.

Money not to be used for other purposes.

§ 3. This act shall take effect immediately.

Chap. 609.

AN ACT to amend an act entitled "An act for the relief of the Co-operative Iron Founders' Association of Troy," passed April twenty-three, eighteen hundred and sixty-seven.

Passed June 6, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of the act entitled "An act for the relief of the Co-operative Iron Founders' Association of Troy," passed April twenty-three, eighteen hundred and sixty-seven, is hereby amended so as to read as follows:

§ 1. The name of the Co-operative Iron Founders' Association of Troy, from and after the passage of this act, shall be the Troy Co-operative Foundry Company, and any person owning at least one share of the capital stock thereof, shall be deemed a member of the corporation, and entitled to all the privileges thereof; but no person shall be allowed to own or hold more than fifty shares of the stock of said company at one time.

Corporate name.

§ 2. Section three of said act is hereby amended so as to read as follows:

§ 3. The capital stock of said company shall not exceed the sum of two hundred thousand dollars in shares of one hundred dollars each,

Capital stock.

nor be less than fifty thousand dollars, and the actual amount thereof within said limits may, from time to time, be fixed by the vote of a majority of all the stockholders thereof.

Repeal.

§ 3. All acts and parts of acts inconsistent herewith are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 610.

AN ACT to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the several towns of the county of Westchester.

Passed June 6, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Account of unpaid taxes, collectors to make and deliver to supervisors.

SECTION 1. The several collectors and receivers of taxes of the towns of the county of Westchester shall, within ten days after the time specified in any warrant issued by the board of supervisors for the collection of taxes for its return, or if the time for the return of any such warrant shall be extended by legal authority, within ten days from the time to which the return of such warrant shall have been extended, make and deliver to the supervisor of the town, an account of all taxes mentioned in the tax-roll remaining unpaid at the time of making such return, and upon making oath that the sums mentioned in said account remain unpaid, and that he has not, upon diligent inquiry, been able to discover any goods or chattels belonging to or in possession of the persons charged with or liable to pay such taxes, whereon he could levy the same, together with any other reason why the said taxes could not be collected, he shall be credited by the supervisor with the amount thereof; provided, that if any receiver of taxes is authorized and directed by any law to employ a constable or other officer to collect any portion of the taxes mentioned in the tax-roll, such return shall be accompanied with the affidavit of such constable or other officer showing that all the provisions of such law have been complied with in the endeavor to collect such taxes so returned, and that the same remain unpaid, and the supervisor shall deliver to the collector or receiver, duplicate receipts for such return, specifying the amount thereof, and that the same has been legally and regularly made, one of which duplicates shall be filed by the collector or receiver with the county treasurer, and thereupon the county treasurer shall give to such collector or receiver, credit for the amount therein stated, in satisfaction to that extent of the official bond of such collector or receiver.

Oath.

Collectors to be credited with amount unpaid.

Proviso.

Duplicate receipts.

Supervisor to pay to county treasurer.

§ 2. Whenever the supervisor shall receive from the collector or receiver of taxes, an account of unpaid taxes as required in the preceding section, he shall on or before the first day of May next thereafter, under the direction and authority of the board of town auditors of said town, provide and pay over to the county treasurer the amount of unpaid taxes included in such return, and such taxes with the interest and expenses shall be collected as hereinafter provided.

Board of town auditors to examine

§ 3. The board of town auditors of the several towns shall examine the account of unpaid taxes returned to the supervisor, and shall reject all taxes on land so imperfectly described, or so erroneously assessed,

that the collection thereof cannot be legally enforced, and shall file a transcript thereof in the town clerk's office of the town. A copy thereof, certified by the town clerk, shall be presented to the board of supervisors of the county at their next annual meeting, and said board shall charge the lands or persons intended to have been assessed for the said rejected taxes, with the amount of the same respectively, adding thereto the interest at seven per cent., and shall direct the collection thereof in the same manner as, and together with, the taxes of the year, and if any part of such taxes cannot be so reassessed, such part shall be assessed on the taxable, real and personal property of the town from which they were returned.

account,
&c.Reassess-
ment.

§ 4. The board of town auditors of the town shall cause a list of all lots, pieces and parcels of land and premises in said town which have been returned to the supervisor for non-payment of taxes, and the taxes on which have not been rejected by said board, and such list shall contain a description of such lands and premises as contained in the assessment roll, and a notice that if said taxes be not paid to the supervisor, with the interest at seven per cent. thereon, and the expenses of posting and publication on or before the day fixed for such sale, that such lands and premises will be sold at public auction, at a time and place specified in said notice; such place in said town shall be designated by the town auditors, at the time to be stated in said notice, which shall be on the first Tuesday of October, for the shortest period of time for which any person or persons may offer to take the same in consideration of advancing the said tax and interest to the time of sale, together with all expenses that shall have accrued thereon; said notice shall be posted in six of the most public places of said town, at least three weeks before the day fixed for the sale of such lands and premises; and if there be one or more newspapers published in such town the board of town auditors shall cause said list and notice to be published once in each week for three weeks consecutively next preceding the day fixed for the sale of said lands and premises in one newspaper published in said town.

Sale of
lands for
non-pay-
ment of
taxes, pro-
ceedings.

Notice.

§ 5. If such tax be not paid according to the requirements of said notice, the lands and tenements so advertised shall be sold by the supervisor of the town, at public auction, at the time and place specified in said notice; and upon such sale a certificate thereof shall be given to the purchaser signed by the supervisor and countersigned by the town clerk specifying the property sold, the time for which the same shall have been sold, the sum paid thereon, and the time when the purchaser will be entitled to a lease of such property.

If tax be
not paid,
lands to
be sold.Certificate
thereof.

§ 6. At any time within one year after the date of said sale the owner, mortgagee, occupant or other person interested in such land may redeem the same by paying to the supervisor for the use of the purchaser, the purchase-money paid by him and any other tax on the same lands which the purchaser may have paid subsequent to such purchase, and of which due notice shall have been given to the supervisor, together with twelve per cent. in addition thereto, and the receipt of such supervisor for such payment and showing what land is thus redeemed, shall be legal evidence of such redemption. The supervisor shall, upon receiving such money, immediately notify the purchaser of its receipt by him and shall refund the same to said purchaser, his legal representatives or assigns, on demand. At the expiration of one year from the time of such sale, the purchaser or his assigns, shall be entitled to a lease of such premises, provided no redemption thereof has been made. And the board of town auditors shall cause a notice

Redemption,
terms
of.Notice to
pur-
chaser.Lease,
when pur-
chaser en-
titled to.

Notice.

to be posted and published, as is provided in section four of this act, for the notice of the sale of such lands, for three weeks previous to the expiration of such year, specifying that unless the lands sold as aforesaid shall be redeemed within such year, they will be conveyed to the purchaser; and if such land shall not be redeemed within such year, the supervisor, under the direction of the board of town auditors shall execute to the purchaser, his executors, administrators or assigns, a lease under his hand and seal, or the town seal if there be one, of the lands and tenements so sold, for such term as the same shall have been sold, and such lease shall be presumptive evidence that such tax was legally imposed, and of the regularity of all the proceedings and of the sale.

Lease,
presump-
tive evi-
dence.

Posses-
sion, pur-
chaser
may ob-
tain by
summary
proceed-
ings.

§ 7. Any purchaser, his heirs, executors, administrators or assigns, receiving such lease may, by virtue thereof, obtain possession of said premises in the manner prescribed by law in relation to persons holding over when the premises have been sold under execution, and may lawfully hold and enjoy the premises mentioned in said lease for his, her or their proper use against the owner or owners thereof, and all persons claiming through or under them, until such purchaser's term shall be fully ended; and the occupant and all others interested shall be barred of all right and title to the premises during the term for which the same shall have been conveyed.

Sales,
when to
be made.

§ 8. All sales for taxes under and by virtue of this act shall be made before the first day of November in each year, and such sale may be postponed by the supervisor to a specified time, not later than the said first day of November in the year when the account of unpaid taxes was returned.

Certificate
of sale to
be re-
corded.

Fees.

§ 9. The town clerk shall cause every certificate of sale countersigned by him under this act, to be recorded in his office in a book to be provided for that purpose. For each certificate and for the recording thereof the said town clerk shall be entitled to the sum of fifty cents to be paid by the purchaser, and for drawing and executing every lease under this act the supervisor shall be entitled to the sum of one dollar and fifty cents, which shall be paid by the purchaser, and there shall also be paid the sum of twenty-five cents for each lot or parcel sold which shall be applied by the town auditors toward the expenses of preparing the lists and notices of sale.

When
super-
visor to
bid in for
town.

Redem-
ption.

Lease.

§ 10. It shall be the duty of the supervisor at any sale of lands for taxes to bid in for the town every lot or parcel of land offered for sale for which no person shall offer to bid, and certificates of such sale shall be made as in other cases which shall specify the time when the town will be entitled to a lease; such purchases shall be subject to the same right of redemption as purchases by individuals; and if the lands thus sold shall not be redeemed, as hereinbefore provided, a lease therefor shall be executed in the same manner and with the same effect as in cases of sales and conveyances to individuals.

Board of
town and
itors may
sell certifi-
cates.

§ 11. The board of town auditors through the supervisor and town clerk may sell and assign all the interest of said town in any or all certificates mentioned in the last preceding section to any person who shall pay to the supervisor the amount of the purchase-money mentioned in such certificate with the accrued interest at twelve per cent, and the assignees of such certificate shall be entitled to the same rights and privileges as if such assignee had been the original purchaser at the sale.

Lands
leased to
town.

§ 12. The title to the lands leased to the town by virtue of this act shall be vested in the board of town auditors of such town for the time

being, who shall hold the same in trust for the benefit of said town; and the said board of town auditors may convey the lands thus held to any person for a sum not less than the amount due upon said lands at the time of the sale, together with the interest and expenses thereon, and the money received for such conveyance shall be held by the supervisor and applied by him for such purposes for the benefit of the town as the town auditors may direct.

Board may convey.

§ 13. The town auditors of each town shall at their annual meeting in November of each year fix and determine the amount necessary to be raised in such town for the payment of money advanced to the county treasurer under section two of this act, together with the amount of purchase-money due for the several lots and parcels of land bid in for said town which shall not have been redeemed; and when said town shall hold any lands under and by virtue of the provisions of this act, the said board of town auditors shall also fix and determine the amount necessary to be raised for the payment of taxes levied or to be levied upon the lands so held during such year, and the several amounts thus fixed and determined shall be certified to the board of supervisors and be levied and collected in said town as other town charges, and paid to the supervisor of the town who shall apply the same to the payment of the several amounts and purposes for which such money was raised, and if there be any surplus after paying the same, it shall be applied for the benefit of the town as specified in the next preceding section of this act.

Town auditors to determine annually amount to be raised, &c.

Amount determined to be levied.

Surplus.

§ 14. All lands returned to the county treasurer by the several collectors and receivers of taxes, on account of the non-payment of taxes levied thereon by the board of supervisors, at the annual session commencing in November, eighteen hundred and seventy-three, shall be disposed of by the county treasurer as now provided by law, except that the sale of such lands shall be made before the first day of November, eighteen hundred and seventy-four and thereafter the return and disposition of any such lands shall be made in accordance with the provisions of this act.

Lands returned for non-payment of taxes levied in 1873, how disposed of.

§ 15. At the annual meeting of the board of supervisors, in the year eighteen hundred and seventy-four, the county treasurer shall report the amount due from any town for the several lots and parcels of land bid in for such town which shall not have been redeemed, and the said amount shall be levied and collected in said town and paid into the county treasury, and the county treasurer shall at the same time deliver to the supervisor of each town in which the lots and parcels of lands so sold and not redeemed are situate, a transcript thereof, as contained in the books in his office, together with the original certificates of sale; and the supervisor shall file such transcripts and certificates in the town clerk's office of said town to be held for redemption, in accordance with the sixth section of this act, until the time mentioned in such certificate respectively, when the town will be entitled to a lease shall have expired; and at the expiration of such time, if such land shall not have been redeemed, a lease may be given in the same manner, and with like effect, as if the sale had been made by the supervisor of the town in accordance with the provisions of this act.

County treasurer to report amount due from town for lands bid in.

When lease may be given.

§ 16. In case of any refusal or neglect, by any person or corporation, to pay a tax for personal property, and satisfaction cannot be had by distress and sale according to law, and if the property assessed exceed one thousand dollars, the supervisor of any town, under the direction of the board of town auditors, may apply to the county court of West-

Judgment for unpaid tax on personal property, how obtained.

chester county, or to the Supreme Court of the second judicial district, by petition and a notice of ten days, to enforce the payment of such tax; a copy of the petition and a notice shall be served personally upon the person or officer of the corporation against whom such application may be made, and the judge or justice of such court shall proceed to hear and determine the same in a summary manner and without unnecessary delay, and if it shall appear that such application ought to be granted, a judgment shall be rendered in favor of the town for the amount of such tax.

Account
of unpaid
taxes in
school
district,
proceed-
ings on.

§ 17. Whenever the trustees of any school district shall receive the account of unpaid taxes from the collector of taxes for such district, as provided by section seventy-five of the seventh article of title seven of the general school laws of the State, they shall compare it with the original tax list, and if they find it to be a true transcript, they shall add to such account their certificate to the effect that they have compared it with the original tax list and found it to be correct, and shall transmit the account, affidavit and certificate to the supervisors of the town in which the school-house of such district is situated.

Lands of
non-resi-
dents, im-
perfect
descrip-
tion, how
corrected.

§ 18. If the description of the lands of non-residents contained in such account are so imperfect or any part of the taxes so erroneously assessed that the collection thereof cannot be legally enforced, a transcript of such portion of the account shall be returned by the supervisor to the trustees of the district from which the account was received, stating the reason for such return, and the said trustees are hereby authorized and it shall be their duty to correct the same, and to add such corrected tax to the next succeeding tax levy in such district.

Super-
visors to
levy
amount
upon
lands of
non-resi-
dents.

§ 19. Such account, affidavit and certificate shall be laid before the board of supervisors of the county, who shall cause the amount of such unpaid taxes, with seven per cent. of the amount in addition thereto, to be levied upon the lands of non-residents on which the same were imposed; and if imposed upon the lands of any incorporated company, then upon such company, and if imposed upon the rents reserved in any leases in fee, or for one or more lives, or for a term of years exceeding twenty-one years, then upon such reserved rents, in the same manner that the contingent charges of the county are directed to be levied and collected, and when collected the same shall be paid to the supervisor of the town in which the school-house of such school district is situated; and if imposed upon the stock of a non-resident stockholder in a banking association, organized under the authority of this State or of the United States, then the same, with seven per cent. of the amount in addition thereto, shall be a lien upon any dividends thereafter declared upon such stock; and upon notice by the supervisor of the town in which such banking association is located to the president and directors of such bank of such charge upon such stock, the president and directors shall, thereafter, withhold the amount so stated from any future dividends upon such stock, and shall pay the same to the collector or receiver of taxes of the town duly authorized to receive the same, to be by him paid to the supervisor of the town as aforesaid, and such supervisor shall hold the same subject to the order of the trustees of the district in which such taxes were originally levied.

Tax may
be paid to
super-
visers.

§ 20. Any person whose lands are included in any such account may pay the tax assessed thereon to the supervisor of the town in which the school-house of such district is situated at any time before the board of supervisors shall have directed the same to be levied, who shall hold the same subject to the order of the trustees as in the last preceding section.

§ 21. The taxes on any real estate occupied by a person or corporation other than the owner and which may be assessed to the owner, or as non-resident lands, may be collected of the occupant, and the goods and chattels of such occupant, or in his possession, may be levied on for the payment of any tax in the same manner as if the assessment had been made to such occupant, and he shall have the right to collect the amount of such tax, if paid by him, of the owner or set off the amount thereof against the claims of said owner for rent.

Taxes upon real estate may be collected of occupant.

Remedy of occupant.

§ 22. If the taxes on any lot or parcel of land assessed to a resident shall be returned as unpaid in consequence of such premises becoming vacant by the removal of the occupant before the collection of the tax imposed thereon, or in default of goods and chattels of the occupant to satisfy such tax, the supervisor of the town in which such land was assessed and is situated shall add a description thereof to the assessment roll of the next year in the part thereof provided for lands of non-residents and shall charge the same with the uncollected tax of the preceding year, and the same proceedings shall be had thereon in all respects as if it was the land of a non-resident, and if such tax had been laid in the year in which the description is so added.

Taxes unpaid because of premises being vacant, &c., proceeding thereon.

§ 23. Whenever the board of trustees of any incorporated village situate within the county, who are authorized by the act of incorporation or by the charter of such village, to levy and impose taxes upon all the taxable property contained within its limits or boundaries and to authorize the collection of the same, shall receive from the collector or receiver of taxes for such village, an account of unpaid taxes, legally imposed upon any land, person or corporation in such village, which such collector or receiver has been unable to collect by virtue of any existing provisions of law relating to such village, said board of trustees may cause the said tax so returned with the accrued interest thereon to be added to any other tax to be assessed on such land, person or corporation during the year or the succeeding year, and to be collected with the tax so to be assessed; or the said board of trustees may return the said account of unpaid taxes on the oath of such trustees, that such account is a correct transcript of the original assessment roll, to the supervisor of the town within which such village is situated, to be collected and held subject to the order of the trustees of such village, as provided in section nineteen of this act, for the collection of unpaid taxes returned by trustees of school districts.

Unpaid village taxes, proceeding thereon.

§ 24. The bond now required by law to be given by the supervisor of any town, shall apply to all money which shall be received and disbursed by him pursuant to the provisions of this act, and it shall be the duty of such supervisor to account with the town clerk and justices of the peace of said town on Tuesday preceding the annual town meeting in each year, and render a statement of all his proceedings in writing verified by his oath, which statement, when certified to as correct by the said justices and town clerk, shall be filed in the town clerk's office of said town, and be produced at the next annual town meeting and publicly read. The board of town auditors of any town shall have power to refund any tax which shall have been erroneously assessed to any person who may have paid the same, and the amount so to be refunded shall be included in the abstract of town accounts of said town, to be levied and collected as now provided by law for other town charges.

Supervisor's bond.

Supervisor to account.

Refunding tax, erroneously assessed.

§ 25. Whenever any mortgagee, whose mortgage shall have been duly recorded before the sale of any lot or premises for any tax, shall pay the amount required to redeem said lot or premises after the sale

Redemption by mortgagee, his lien.

thereof to the supervisor of the town before the time for redeeming the same shall have expired, he shall have a lien on the lot or premises so redeemed by him for the amount so paid, with the interest that may thereafter accrue thereon at the rate of seven per cent. per annum, in like manner as if the same had been included in his mortgage. If such mortgagee shall have filed a notice of his lien on any lot or premises so sold for taxes in the office of the town clerk of the town in which such lot or premises are situated, the supervisor of said town shall notify such mortgagee of such sale by depositing a notice, in one of the post-offices in said town, addressed to such mortgagee at his place of residence, as stated in the aforesaid notice of lien, stating therein the term of years for which said lot or premises were sold, the amount necessary to redeem the same, and the date at which the time of redemption will expire; and no mortgagee, as above provided, shall be divested of his right in such property unless such notice shall have been given.

§ 26. All laws or parts of laws inconsistent with the provisions of this act are hereby repealed.

Chap. 611.

AN ACT to amend an act entitled "An act to amend an act entitled 'An act to provide for the incorporation of villages,' passed December seventh, one thousand eight hundred and forty-seven, and the several acts amendatory thereof, so far as the same relate to the village of Mount Vernon, in the county of Westchester, and to declare, enlarge and define the powers and duties of the officers of said village, and to confirm and extend the powers of the corporation of said village," passed May tenth, eighteen hundred and seventy.

Passed June 6, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Petition
for open-
ing,
widening
or closing
street, &c.
Notice of
meeting.

SECTION 1. Whenever a petition for opening, widening or closing any streets or avenues or parts thereof in the said village shall be presented in accordance with said act, the trustees shall cause a notice to be published in the village newspaper for two weeks consecutively, that, on a certain day therein named, not less than two weeks from the first publication thereof, they will meet to take action upon said petition. Before publishing such notice, the trustees shall fix the limit or district beyond which the assessment for the expenses of such improvement shall not extend and a description of such district shall be included in such notice.

Remon-
strance.

Map.

§ 2. Upon the day named, or on such further days as the trustees may adjourn to for that purpose, the trustees shall, if they deem proper, pass an ordinance directing such improvement to be made, unless they shall, at that time, receive a remonstrance against the same signed by a majority of the owners of real estate situated in the said assessment district. They shall also cause a map to be made by a competent surveyor, on which shall be designated the road so opened, widened or closed particularly, by courses and distances, and the several pieces of

land through which the said road shall run, and such map shall be filed with the village clerk.

§ 3. The trustees shall thereupon make an application to the county court of Westchester county for the appointment of commissioners to assess the damages sustained by the owner, lessee or occupant of any lands which may be taken for such improvement, and to assess the expenses thereof upon the property benefited thereby. The court shall thereupon appoint three disinterested freeholders of the town of Eastchester to make such assessments. At least eight days' notice of such application shall be served on each of the parties so, as aforesaid, interested in the lands proposed to be taken.

Appointment of commissioners to assess damages.

Notice to parties interested.

§ 4. The said commissioners shall be sworn before some officer authorized to administer oaths, faithfully and impartially to perform the duties which shall devolve upon them by virtue of such appointment, and shall then proceed, with all reasonable diligence, to estimate the damages sustained by reason of the taking of the lands for the purpose of such improvement, and they shall view the premises, and for that purpose shall have power to enter upon and examine the same, to administer oaths, and to hear the proofs and allegations of the parties interested. They shall also make a just and equitable assessment of the expenses for the payment of said damages among and upon all the owners of the lands deemed to be benefited by such improvement, in proportion to the amount of the benefit which said separate parcel or lot of land will, in the judgment of the commissioners, derive therefrom. And they shall all meet and act, and the assessments agreed to by a majority of them shall be valid. In all cases where the commissioners cannot ascertain the name of the owner of any land, they may substitute in their report, for the name of the owner, the words "unknown owner."

Commissioners to be sworn.

Their proceedings.

Assessment for benefits.

§ 5. The report of said commissioners shall be made in a tabular form, with columns in which shall be distinctly given the whole expense of the proposed improvement and the several items thereof, and the pieces of the land required for the improvement, the amount awarded to the different parties interested in the land and premises required for the improvement, the names of said parties, the pieces of lands assessed for the benefits, the amount assessed upon each piece and on the different interests therein, the balance of award to be received by the different parties over the assessment, the balance of assessment to be paid by each individual whose assessment amounts to more than the award, and so many and such different columns and tabular statements as may be necessary to designate the true interests of the parties in the lands and premises required for the improvement, and their liabilities and interests in relation thereto, and the interests of the parties whose lands are assessed therefor.

Their report, form of, &c.

§ 6. After such report shall be completed it shall be deposited with the village clerk for public inspection. The commissioners shall then cause notice to be published in the village newspapers, once in each week for two weeks successively, of the filing of such report, and that they will meet at a time and place not less than two weeks from the first publication thereof to review such report. At such time and place any parties interested may offer objections in writing to said report and accompany the same with such affidavits as they may deem proper, and after hearing the parties the commissioners shall review their report and correct the same where they shall deem proper, and shall then file the same in the office of the clerk of said county and a copy thereof with the village clerk. They shall then cause notice to

Report to be deposited with village clerk.

Objections.

Notice of completion and filing.

When report becomes final.

Exceptions, hearing of, &c.

second report final.

Assessment list and warrant.

Interest and commissions.

Proceedings for sale of lands.

Payment of awards.

Compensation of commissioners, &c.

Existing proceedings not affected.

Proviso.

be published in the village newspaper that such report has been completed and filed. And said report shall become absolute and stand as in all things confirmed unless exceptions thereto, with copies of the objections and affidavits that have been delivered to the commissioners, shall be filed with the county clerk and served on the village clerk within two weeks from the first publication of such notice.

§ 7. If exceptions are filed and served within such time, the same may be brought to a hearing before the county court of said county upon eight days' notice by any parties interested therein. Upon the hearing of such exceptions copies of the affidavits, which shall have been delivered and served as aforesaid, but no others, may be read against confirming the report; but no cause against such confirmation shall be heard unless exceptions shall have been filed and served as herein provided. The court may examine and correct said report or send it back to the same or other commissioners for revision or correction, or confirm the same. And the same proceedings shall be had when the report is sent back as in the first instance. But said second report shall be final and conclusive, and shall become absolute and stand as in all things confirmed, immediately the same is filed with the clerk of said county.

§ 8. After the report of the commissioners shall be confirmed, it shall be delivered to the board of trustees, who shall cause an assessment list to be made out and delivered to the receiver of taxes of said village, with their warrant for the collection of said assessments in the same form in all respects as for the collection of taxes, except that such warrant shall not command the levy upon the goods and chattels of the person assessed for the amount of such assessments. The receiver of taxes shall, without commission, receive and collect the several amounts therein assessed against any person, for thirty days after his receipt of such warrant. The receiver of taxes shall collect all such assessments as shall be unpaid at the expiration of that period in the same manner, and with the addition of interest and commissions, as is by said act provided for the collection of taxes, and shall make return of all unpaid assessments as of unpaid taxes, except as is herein otherwise provided; and upon such return being made and filed with the village clerk the board of trustees shall be authorized to take the same proceedings for the sale of lands for such unpaid assessments as are authorized by title nine of said act for the sale of lands for the non-payment of taxes. The said receiver shall pay over to the treasurer all such assessments and interest so collected in the same manner as is in said act required as to taxes.

§ 9. The treasurer shall pay to the persons, or to the attorneys or legal representatives of such persons, to whom awards have been made in such report, the amount of such awards, without any deduction for fees or commissions.

§ 10. The compensation of said commissioners, and the fees of surveyors and counsel and other persons, shall constitute part of the expenses of such improvement, to be taxed by the board of trustees before the same shall be inserted in said report.

§ 11. This act shall not affect any proceedings heretofore taken for the opening, widening or closing of any street or avenue in said village, but further proceedings for said opening, closing or widening shall be conducted in the manner provided for by this act; provided, however, that in any proceedings now pending for the opening, closing or widening of any street or avenue, and for which no assessment has yet been imposed, a majority of the owners of real estate situated in the assess-

ment district established or to be established, as the district of assessment for such improvement, may present a remonstrance, in writing, against such improvement to the board of trustees of said village, and upon the presentation of such remonstrance at any time before the appointment of commissioners to make such assessments, the resolution or ordinance opening, closing or widening such street or avenue shall be null and void, and the same shall be thereupon rescinded by said trustees.

Remonstrance, effect of.

§ 12. Section one of title nine of chapter seven hundred and seventy-six of the laws of eighteen hundred and seventy is hereby amended so as to read as follows:

§ 1. The trustees are authorized and empowered by resolution to raise money annually by tax, to be assessed upon the estate, real and personal, within the bounds of said corporation, and to be collected from the several owners and occupants thereof, for the lease of any real or personal property for the use of said village, and to defray the ordinary and contingent expenses of said corporation; but no tax shall be levied and collected to an amount exceeding one-half of one per cent. on the assessed valuation of the property, real and personal, in said village, made by the village assessors in the year previous to any such assessment and levy by said trustees in any one year, except as in this act is hereinafter provided until the same shall have been authorized by a vote of the majority of the taxable inhabitants of said village qualified to vote under this act, present at any annual election or meeting, or at any special meeting duly called for that purpose. Provided, however, that the board of trustees are authorized and empowered to raise money at any time by resolution, to pay such sums as may be assessed for any of the specific purposes hereinafter provided for, against any property belonging to and owned by said village, which may be included in any district of assessment.

Trustees may raise money annually by tax.

Limit of tax.

§ 13. This act shall take effect immediately.

Chap. 612.

AN ACT to amend an act entitled "An act to provide for the incorporation of villages," passed December seventh, eighteen hundred and forty-seven, and the several acts amendatory thereof, so far as relates to the village of Niagara City, in the county of Niagara.

Passed June 6, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The village of Niagara City shall hereafter be known as, and called by, the corporate name of "The village of Suspension Bridge." The officers of the said village, after the third Tuesday of March, eighteen hundred and seventy-five, shall be a president, four trustees, a clerk, a general superintendent, three assessors, three fire-wardens, a treasurer, to act also as and be collector, and such other subordinate officers as are authorized by the acts hereby amended. The president, treasurer, assessors and fire-wardens shall be elected annually by the electors of said village. The clerk, general superintendent and all other subordinate officers, whose appointments are now

Corporate name.
village officers.

Term of
office.

Removal
from
office.

Trustees,
term of
office of.

First elec-
tion.

Vacancy
in office of
trustee,
how filled.

President,
his powers
and
duties.

provided for by law, shall hereafter be appointed by the board of trustees, on the third Tuesday of March in each year. All of said officers shall hold their respective offices one year from the third Tuesday of March next succeeding their election or appointment, and until the third Tuesday of March of the year next succeeding their election or appointment, unless sooner removed or disqualified. The board of trustees are hereby empowered to remove said officers so to be appointed, or any one or more of them, at any time or times, and for any cause to them seeming proper, and to fill the vacancy or vacancies so occasioned by appointment, as in the first instance, and the officers so appointed to fill vacancies shall hold their respective offices until the third Tuesday of March next succeeding their appointment, subject, however, to the power of removal hereby vested in the board of trustees as aforesaid. After the third Tuesday of March, eighteen hundred and seventy-six, each of the four trustees shall hold his office for two years from the third Tuesday of March next succeeding his election.

§ 2. The first election under this act shall be on the first Tuesday of March, eighteen hundred and seventy-five, at which time there shall be elected the president, four trustees, one treasurer, three assessors and three fire-wardens. Two of said trustees shall hold their respective offices one year, and two of said trustees shall hold their respective offices two years. The term of office of each shall be determined as follows: The president shall place in a proper *receptacle** four pieces of paper, on two of which shall be written "two years," and on two of which shall be written "one year;" each of said trustees shall draw one of said pieces of paper, and his term of office shall be that specified thereon. After the year eighteen hundred and seventy-five two trustees shall be elected annually, and hold their respective offices for two years from the third Tuesday of March next succeeding their election. In case of a vacancy for any reason arising in the office of any one or more of said trustees, the same shall be filled at the next regular annual election to be held in said village, or at a special election to be called by the board of trustees at any time prior thereto, as they may resolve, and the person or persons so elected to fill such vacancies shall hold said office for the unexpired part of the whole term. The election of elective officers shall hereafter be held annually on the first Tuesday of March in the manner now provided by law.

§ 3. The president shall have all the powers, and perform all the duties heretofore possessed by or incumbent upon the president of said village, as heretofore designated under the acts hereby amended; he shall, and is hereby declared to be a member of the board of trustees; when present, he shall preside at the meetings thereof, and shall have a vote on all questions; he shall see that all the laws, by-laws, rules and ordinances, relating to the village, are enforced; he shall, from time to time, recommend to the board of trustees such measures as may to him seem proper; he shall nominate all officers to be appointed by the board of trustees, but if any person so nominated shall be rejected or not appointed by said board within ten days after such nomination, then the board may appoint to fill such office, on the nomination of any other member of said board; and in case the president shall refuse or neglect to make any nomination to any office to be filled by said board, for one week after the passage of a resolution of the said board requesting him so to do, then said board may appoint to fill the same,

* So in original.

on the nomination of any other of its members. The other officers to be elected or appointed under this act shall, respectively, have all the powers and perform all the duties now given to or required of like officers of said village by law. A majority of the board of trustees shall constitute a quorum for the transaction of business. In the absence of the president, any trustee may be appointed by the board president for the time. Quorum.

The trustees are also empowered to pass ordinances fixing and regulating the speed of cars and locomotives, and the running of the same on the tracks of any and all railroad companies, and to prevent the blockading of street crossings by the stopping of any such cars or locomotives thereon or otherwise within said village, and requiring any or all of said railroad companies to keep and have a flag or watchman at the crossing of any street of said village, and to provide moneyed penalties for a violation* of any such ordinances or non-compliance therewith, and to enforce the collection thereof by suit or otherwise, in the name of said village; the penalties so collected to be credited to and form a part of the general fund provided by section five of this act. Powers of trustees to regulate speed of cars, &c.

To provide penalties and enforce collection thereof.

§ 4. The treasurer of said village, in addition to the duties now incumbent upon and by law required to be performed by him, shall hereafter be and perform the duties of collector of taxes in and for said village; and in making collection of the taxes assessed in and for said village, he shall proceed as far as practicable in conformity with the provisions of law in respect to the collection of taxes by the collector of the town of Niagara, and shall receive as compensation for such services, in addition to the compensation now allowed to him by law as treasurer, a percentage on the taxes so collected by him at the same rate now allowed by law to the collector of said town. Treasurer, his duties.

His compensation.

§ 5. The moneys of said village raised or to be raised, by tax or otherwise, as now required by law, shall be kept in and credited by the treasurer to the following funds: All moneys raised or to be raised for, and heretofore credited or belonging to, the school and highway funds respectively, shall continue to be so credited thereto. All other moneys raised in said village, and heretofore credited to the various other separate funds, shall hereafter be credited to but one fund, to be called the "general fund," from which shall be paid all the general expenses of said village, not now by law chargeable to the school and highway funds respectively, an amount not exceeding two thousand dollars in any one year, may be raised and collected by the trustees of said village for said general fund, by tax in the manner provided by law; but no further or greater sum for said general fund shall be raised in any one year in said village without having been previously authorized at a special election, to be called and held for that purpose in the manner now provided by law of said village. Moneys, how to be kept and credited.

Special election.

§ 6. All notices or ordinances required by law to be given or published by the board of trustees or any of the officers of said village for any purpose, shall be given or published by printing the same in a newspaper published in said village, or by posting a written or printed copy thereof in not less than five public places in said village not less than ten days. This provision, however, shall not apply to cases where, for any reason, personal service of any notice or ordinance is required to be made. Notices and ordinances, how published.

§ 7. Section one of chapter six hundred and eighty-four of session

laws of eighteen hundred and seventy-two of the laws of the State of New York, is hereby amended to read as follows:

Side-walks. § 1. The trustees may cause a sidewalk or sidewalks to be at any time constructed on any street or part of a street in said village not supplied therewith and may cause any sidewalk in said village, which has once been built or that may hereafter be built within said village, to be at any time either repaired or entirely rebuilt, as they may deem proper; and they shall be and hereby are made the sole judges as to whether such sidewalk should be repaired or entirely rebuilt, and as to whether a sidewalk or sidewalks should be constructed on any street or part of a street not theretofore supplied therewith; and whenever said trustees shall determine that any sidewalk should be constructed or repaired or rebuilt, they shall pass an ordinance to that effect, and describe therein the place where it is or is to be laid, and shall state therein the width and manner in which, and the materials with which such sidewalk shall be constructed or repaired or rebuilt, as the case may be, and shall publish such ordinance in the manner required by section five of this act; and in case a sidewalk is to be repaired or rebuilt and the owner of the lot or part of the lot or premises immediately adjacent to such sidewalk, so far as such lot or part of lot extends, be a resident of said village, or has an agent in regard to such premises therein, or if such lot or part of lot be occupied by any person as tenant of the owner thereof, or otherwise, such sidewalk shall thereupon, and within ten days thereafter, be so repaired or rebuilt, as required by such ordinance, by or on the part of such owner of said lot, or part of lot, or premises immediately adjacent thereto. In case such owner be a non-resident of such village, and such lot or part of lot be not occupied by any person as tenant, and such owner has no agent in regard to such premises in said village, then, in addition to the due publication or posting of said ordinance as aforesaid, a copy thereof shall be deposited by the clerk of said village in the post-office therein, enclosed in an envelope directed to such owner at his last or reputed place of residence, and having the postage thereon prepaid, and thereupon, and within ten days thereafter, such sidewalk shall be so repaired or rebuilt, according to the terms of such ordinance, by the owner of such lot or part of lot adjacent thereto, or other person in his behalf, so far as such lot or part part of lot extends. Should such sidewalk, in either of the cases aforesaid, not be repaired or rebuilt, as required by such ordinance, by or on behalf of such owner, within the time hereinbefore specified, then the same shall be so repaired or rebuilt, according to the terms of said ordinance, by the general superintendent of said village, and all the expense thereof shall be and hereby are made a lien upon the lot or lots, or part of lot respectively, adjacent to such sidewalk, to be assessed, levied, enforced and collected in the same manner as the village taxes in said village, duly assessed and levied, are by law required to be enforced and collected. In case it is determined by the board of trustees to construct a sidewalk on any street or part of a street in said village not theretofore supplied therewith, after the due publishing of the ordinance therefor, the clerk of said village shall publish, in the manner provided by section five of this act, a notice that for ten days thereafter bids for the construction thereof will be received by the board of trustees of said village. All bids tendered within that time shall be received by said clerk in behalf of said board. At the next regular meeting of said board, following the expiration of said ten days, all bids so received by said clerk shall be opened by the said board, and the construction of said sidewalk shall thereupon be let by said board to the lowest responsible bidder

**Ordn-
ance for
building
or repair-
ing side-
walks.**

**Owner of
adjacent
lot to build
or repair.**

**Notice to
non-res-
ident
owners.**

**When
superin-
tendent to
build or
repair.**

**Expense
thereof a
lien.**

**Construc-
tion of
new side-
walks.**

**Notice
that bids
will be re-
ceived.**

**Construc-
tion to be
let to low-
est bidder.**

therefor. Should no bids therefor be received within said ten days, then said sidewalk shall be constructed by or under the direction of the general superintendent. The expenses of constructing such sidewalk shall be assessed by the village assessors upon the real estate in said village, determined by said board of trustees to be benefited thereby in proportion to the benefits resulting thereto. The trustees shall determine the amount of such expenses to be assessed therefor, which shall include the necessary expenses of printing, assessing, publishing or posting of notices or ordinances affecting the same, and all expenses, directly or incidentally connected therewith, and the same shall be assessed, levied and collected from the real estate aforesaid, in the same manner as village taxes in said village are now by law required to be assessed, levied and collected.

Expenses,
how to be
be as-
sessed.

§ 8. All acts or parts of acts inconsistent herewith, or repugnant thereto, are hereby repealed. Repeal.

§ 9. This act is hereby declared to be a public act, and shall take effect immediately.

Chap. 613.

AN ACT to amend an act entitled "An act to amend the Revised Statutes in relation to laying out public roads and the alteration thereof," passed April twenty-eighth, eighteen hundred and seventy-three.

Passed June 8, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of an act entitled "An act to amend the Revised Statutes in relation to laying out public roads and the alteration thereof," passed April twenty-eighth, eighteen hundred and seventy-three, is hereby amended so as to read as follows :

§ 1. Section sixty, article fourth of title one, chapter sixteen of the first part of the Revised Statutes is amended so as to read as follows :

§ 60. In all cases of the alteration of any road, or the laying out of any new road, except where the owners of the property through which such alteration or new road passes shall have consented thereto and released all damages therefor, the person or persons applying for the same shall serve a notice on the town clerk of the town, and on a justice of the peace and the commissioners of highways thereof, asking for a jury to certify to the necessity of the same, and specifying a time, not less than ten nor more than twenty days from the time of serving such notice, when such jury will be drawn at the clerk's office of the town, by the town clerk thereof.

Alteration
of road or
laying out
of new
road,
notice.

§ 2. Section eight of said act is hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 614.

AN ACT to amend an act entitled "An act to confer additional powers upon the Metropolitan police, relating to the inspection of steam boilers," passed April ninth, eighteen hundred and sixty-two; also, to amend an act entitled "An act in relation to the inspection of steam boilers, except in the Metropolitan district," passed June twenty-second, eighteen hundred and sixty-seven.

Passed June 8, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Exemption from further inspection and penalties.

SECTION 1. All steam users, manufacturers or corporations possessing the guaranteed certificates, unrevoked and in full life, of any fire insurance company now incorporated or hereafter incorporated or of any company organized or hereafter organized for the purpose of making guaranteed steam boiler inspections, and which have complied with the insurance laws of the State of New York, having duly filed a statement with the Superintendent of Insurance or other authorized officer, of its conditions, and duly paid license fees and taxes, shall be exempt from any further inspections and from the pains and penalties of the above-named acts.

Companies to make monthly returns to inspectors.

§ 2. Any company authorized by the first section of this act for the purpose of making guaranteed steam boiler inspections, and which have complied with the law set forth in the first section of this amended act, shall, at least once in each month, make and file returns under oath with the inspector in chief, except in the city and county of New York, and for said city and county with the board of commissioners of police, of all inspections made by them of steam boilers and of all certificates issued by them, and those at the time of making said return either in full force, unrevoked or canceled. Each and every company so authorized and making insurances under the provisions of this act and failing to make said returns as aforesaid, shall pay the penal sum of fifty dollars for each and every failure or neglect to make and file said returns, the same to be recovered by suit to be brought by said inspector in chief, except in the city and county of New York, and in said city and county by said commissioners of police.

Penalty for neglect.

§ 3. This act shall take effect immediately.

Chap. 615.

AN ACT to incorporate the Oneonta Water-works Company, and to authorize the trustees of the village of Oneonta to take and lease lands and water for the purposes of said company.

Passed June 8, 1874; three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. William W. Snow, John Cope, Robert C. Blackhall, James H. Keyes, James Stewart, and all such persons as are or may be here-

after associated with them, are constituted a body corporate by the name of the Oneonta Waterworks Company.

Corporate name.

§ 2. The capital stock of said company shall be forty thousand dollars, and shall be divided into shares of one hundred dollars each, but may at any time be increased by a vote of the stockholders owning a majority of the stock of said company, at a meeting of the stockholders called for that purpose, in the same manner as annual meetings of the company; provided that such capital shall not be increased so as to exceed the sum of one hundred thousand dollars.

Capital stock.

§ 3. Books of subscription to the capital stock of said company shall be open under the direction of the directors hereinafter named, and subject to such rules as they may prescribe; and the stock of said company shall be considered as personal property, and shall be assignable and transferable on the books of the company.

Books of subscription.

§ 4. The concerns of said company shall be managed by five directors, who shall be stockholders and residents of the town of Oneonta, Otsego county, and who shall hold their offices one year, and until others are chosen in their places. The annual election of directors shall be held on the first Monday of July in each year, at such place in the village of Oneonta, and at such hour of the day, as the directors shall appoint. Notice of such election shall be published once in each week for two weeks immediately preceding such election, in a newspaper published in said village. Each stockholder shall be entitled to one vote upon each share of stock held by him or her at the time of such election. The elections shall be by ballot, and votes may be given either in person or by proxy.

Directors.

Annual election.

Notice thereof.

§ 5. The persons named in the first section of this act shall be the first directors, and shall hold their offices until the first Monday of July, eighteen hundred and seventy-four, and until others are chosen in their places. In case of vacancy in the direction by reason of the death or resignation of any director, or his ceasing to be a stockholder, or by his removal from the town of Oneonta, it may be filled by the remaining directors until the next annual election, or until some other person shall be elected to fill the same. The directors herein named may appoint three persons, who shall be stockholders, to be inspectors at the first election, after which the stockholders shall choose three such inspectors at the annual election. If no inspectors are so chosen, the directors may appoint them from time to time. If at any time an election of directors shall not take place on the day appointed by this act, the corporation shall not for that reason be dissolved; but an election may be held on any other day in such manner as shall be provided for by the by-laws or shall be prescribed by the directors.

First directors.

Vacancy, how filled.

Inspectors of election.

Failure to elect not to dissolve corporation.

§ 6. The directors may require payment of subscription to the stock at such times and in such proportions as they shall see fit, under penalty of forfeiting all stock and previous payments thereon, and may sue for and recover all such subscriptions. Notice of the time and place of such payments shall be published for four weeks next preceding the time so fixed, at least once in each week, in a newspaper published in the village of Oneonta.

Payment of stock subscriptions.

§ 7. The directors shall annually appoint a president, a secretary and treasurer, and such other officers and agents as they shall, from time to time, deem necessary; and may remove all officers appointed by them, and appoint others in their places, and fill all vacancies in the offices; and they may make and ordain by-laws, rules and regulations as they may deem necessary and proper for the management of their business and for accomplishing the purposes of the corporation.

President, secretary and treasurer to be appointed.

By-laws.

Real
estate and
water
rights.

Village
trustees
may au-
thorize
company
to enter
upon
streets,
&c.

Regula-
tions for
laying
pipes, &c.

Village
bonds for
benefit of
company.

Amount
and when
redeem-
able.

Proviso.

Tax.

Use of
water to
be free.

Certain
provisions
of R. 8.
applied.

Liabilities
of stock-
holders.

Contribu-
tion.

Liability
of execu-
tor, trus-
tee, &c.

§ 8. For the purpose of supplying the village of Oneonta with pure and wholesome water, the said company may purchase, lease and hold any real estate or water rights needed for such purpose. The trustees of said village may authorize said company to enter upon any lands, streets, highways, roads, lanes or public grounds in said village through which said company may deem it proper to convey the water from any springs, ponds, streams, wells, fountains, or reservoirs, which said company may legally acquire, and lay, construct, alter, repair and replace any pipes, conduits, aqueducts, or other works for that purpose, leaving the said lands, streets, highways, roads, lanes and public grounds in the same condition, as nearly as may be, as they were before said entry.

§ 9. In laying pipes, conduits or aqueducts, or constructing or erecting works in the streets, lanes or public squares in the said village, the said company shall conform to such regulations as the board of trustees of said village shall prescribe.

§ 10. For the purpose of obtaining water for the extinguishing of fires, constructing fountains and furnishing public buildings, and for other purposes in the village of Oneonta, the trustees of said village are hereby authorized to issue seven per cent. interest bearing bonds of the village of Oneonta, for the exclusive and sole use and benefit of said water company, to the amount of ten thousand dollars, redeemable in twenty years from the date of the same, the interest on the said bonds to be paid annually, at the expiration of each year; provided that at any general election of the said village, or at any special election of the same, called for this purpose, the right of said trustees to issue said bonds shall be submitted to a vote of the electors of said village. And no bonds shall be issued unless a majority of the ballots cast at such election shall be in favor of so bonding the said village. And the said trustees are hereby authorized, when any such bonds are issued as above provided, to levy and assess upon the property within the corporate limits of said village, a general tax, for the redemption of said bonds and the interest thereon not to exceed the sum of twelve hundred dollars in any one year. And the said water company upon receiving the said bonds of said village as aforesaid, shall supply and furnish the said village of Oneonta with water for the purposes herein mentioned, without further charge or remuneration whatever, either directly or indirectly, and at their own expense, to the free use of the said village forever.

§ 11. The corporation hereby created shall possess the powers and be subject to the provisions of title three, chapter eighteen of the first part of the Revised Statutes so far as the same are applicable and not otherwise provided for in this act.

§ 12. The stockholders of the company hereby created shall be individually liable for the payment of the debts of said company to an amount equal to the amount of stock held by them respectively, and any stockholder who may have paid any demands against said company either voluntary or by compulsion, shall have a right to resort to the other stockholders who were liable to contribution; but no suit or proceedings shall be commenced against any stockholder for the recovery of any money due by said company, unless suit shall have been brought for the recovery thereof against said company, nor unless judgment therefor shall have been obtained against said company, and execution issued thereon returned unsatisfied.

§ 13. No person holding stock in said company, as executor, administrator, guardian or trustee, unless he made such investment, and no person holding such stock as collateral security, shall be personally

liable as stockholders of said company, but the person pledging such stock shall be considered as holding the same and shall be liable as stockholder accordingly; and the estate and funds in the hands of such administrator, guardian or trustee shall be liable in like manner and to the same extent as the testator or intestate or the ward or person interested in such fund would have been if he had been living and competent to act and held the same in his own name, in case the investment in said stock was not made by the said representatives or trustees.

Liability
of estate.

§ 14. If the directors shall, at any time after the organization of said company, determine to increase the capital stock as herein provided, the said new stock shall be divided among the stockholders in proportion to the amount held by them respectively at the time of such increase as they shall severally elect, and in case the same shall not be so distributed, then books of subscription for the balance of said additional stock shall be opened in the same manner as provided in section six of this act.

New
stock, how
to be di-
vided.

§ 15. This act shall take effect immediately.

Chap. 616.

AN ACT to supply the village of Gloversville with pure and wholesome water.

Passed June 8, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Uriah M. Place, Levi T. Marshall, Dennis S. Frank, John L. Getman, Albert W. Locklin, Charles W. Rose and Charles J. Mills, and their successors in office, are hereby constituted a body corporate by the name of "Water Commissioners of the village of Gloversville," and in that name may sue and be sued, complain and defend in any court.

Corpora-
tors.

Corporate
name.

§ 2. Within twenty days after the passage of this act the persons named in the foregoing section shall meet at the office of the board of trustees, in Gloversville, and shall then and there determine by lot the order in which their term of office shall expire, and the determination so made shall be certified by the clerk of said board of trustees and filed in his office. If said commissioners shall neglect or refuse to assemble and determine as aforesaid, the said board of trustees shall, within twenty days thereafter, make such determination which shall be certified and filed by the clerk of said board. The term of office of the commissioner first going out of office, shall expire on the first Monday of June, eighteen hundred and seventy-seven; that of the second on the first Monday of June, eighteen hundred and seventy-eight; that of the third on the first Monday of June, eighteen hundred and seventy-nine; that of the fourth on the first Monday of June, eighteen hundred and eighty; that of the fifth on the first Monday of June, eighteen hundred and eighty-one; that of the sixth on the first Monday of June, eighteen hundred and eighty-two; and that of the seventh on the first Monday of June, eighteen hundred and eighty-three.

Term of
office of
commis-
sioners.

§ 3. On the first Monday of June, eighteen hundred and seventy-seven, and on the same day in each year thereafter, an election shall be held in said village for the purpose of electing a suitable person to fill the place of the commissioner whose term of office shall expire on that day, and

Election
of commis-
sioners.

Notice thereof.	to fill any vacancy that may have occurred, and public notice of such election shall be given by said board of trustees, by publishing notice of such election in at least two, if so many there be, of the newspapers published in said village, once a week for two weeks previous to such time of election, and such election shall be conducted in all respects as elections for trustees of said village are directed to be conducted, and the term of office of each commissioner (except when chosen to fill vacancy) shall be the period of seven years, and the term of one elected to fill a vacancy shall be the unexpired term of the person whose place he was elected to fill. All commissioners shall be electors and tax payers of said village, and shall continue in office until a successor shall be elected and qualify. In case of failure to hold the election at the time aforesaid, or in case of failure, for any cause, to elect a commissioner or commissioners at the time aforesaid, said board of trustees shall immediately thereafter name a day for the holding of an election, giving the like notice of such time as above provided; and such election shall be conducted in all respects as provided for the election on the first Monday of June. In case of vacancy in office by reason of death, removal, resignation or any other inability to serve, the commissioners then duly in office shall fill such vacancy by appointment, and the person appointed shall hold his office until the next annual election, and until another shall be qualified and fill his place.
How conducted.	
Term of office.	
Qualifications of commissioners.	
Failure to elect, trustees to name day for election, &c.	
Vacancy, how filled.	
Official oath and bond.	<p>§ 4. Every commissioner, whether elected or appointed shall, before entering upon the duties of office, and within ten days after notice of election or appointment, take and file with the clerk of said board of trustees the constitutional oath of this State, and shall also enter into a bond to said board of trustees, with sureties to be approved by the county judge of Fulton county, conditioned for the faithful performance of his duties as such commissioner, the penalty of the bond of each commissioner in office to be in the sum of fifteen thousand dollars.</p>
Treasurer, commissioners to appoint.	<p>§ 5. The commissioners shall, immediately upon entering upon the discharge of their duties, appoint one of their number treasurer, who shall be subject to removal at the discretion of the commissioners, and who shall perform his duties without fee or reward. In case of vacancy in the office of treasurer the commissioners shall fill such vacancy by appointment, as above provided. Every person appointed to the office of treasurer shall, before he enters upon the duties of such office, execute and deliver to said board of trustees a bond in the penalty of fifty thousand dollars, with such sureties as shall be approved by the county judge of Fulton county, conditioned that he will faithfully perform his duties as such treasurer. The commissioners shall appoint a clerk, at such compensation as they shall deem just, subject to removal at their discretion.</p>
Vacancy.	
Bond.	
Clerk to be appointed.	
Quorum.	<p>§ 6. A meeting of a majority of the board of commissioners shall be necessary for the transaction of business, though a meeting of less than a majority shall have authority to create a legal adjournment.</p>
Commissioners, their powers and duties.	<p>§ 7. It shall be the duty of the commissioners to examine and consider all matters relative to supplying the village of Gloversville with pure and wholesome water, and for that purpose they shall have power to employ engineers, surveyors and such other persons as may be necessary for that purpose, and they shall adopt such plans as, in their opinion, may be most feasible for procuring such supply of water, and which shall embrace proper distribution pipes and supplies for all streets and places where, in their opinion, it shall be to the interest of said village, and shall ascertain the probable amount of money necessary to carry</p>

the same into effect, and for that purpose they shall have power to contract for, and purchase and take by deed or other instrument, under seal, in the name of said village of Gloversville, all lands, tenements, hereditaments, rights or privileges whatever, and situate at any place within the county of Fulton, which may be required for the purpose, and to contract for the execution of this work, or any part thereof, or the supply of any necessary material; and the commissioners and their agents and employees are authorized to enter upon any land or water, for the purpose of making surveys, and to agree with the owner of the property, real or personal, which may be required for the purposes of this act, as to the amount of such compensation to be paid to such owner.

Title to land to be taken to the village.

§ 8. In case of disagreements between the commissioners and the owners of any property which may be required for the purposes aforesaid, or affected by any operation connected therewith, as to the amount to be paid to such owner, or in case such owner shall be an infant or married woman, or insane or absent from this State, or unknown, or the owner of a contingent or uncertain interest, the Supreme Court at any general or special term within the fourth judicial district, shall upon the application of either party, after ten days' personal notice, or where such notice cannot be served within this State, after three weeks' notice of such application published in at least two of the weekly newspapers published in said county, nominate and appoint three disinterested persons referees for the whole or for each case of disagreement to examine such property, who upon being duly sworn faithfully and impartially to discharge their duties, shall estimate and report to said court, at a general or special term in said district, for confirmation, the several sums which shall be a just compensation to such owners respectively, for the appropriation to the purposes of this act of any property which may be so required, or for the title or use of any such property. Such referees may examine witnesses upon hearings before them, and all evidence taken before them shall accompany such report. In case said report shall not be confirmed by said court as to one or more of such respective owners, the said court shall, upon the same notices before provided, appoint other disinterested persons as referees who shall proceed in all respects as above specified as to referees. And the report of such new referees shall be treated as final and shall be confirmed by the court.

Title to land, how obtained, in case of disagreement.

Referees.

Their report.

Proceedings before referees.

If report be not confirmed other referees to be appointed.

Payment of awards.

§ 9. Whenever any report of referees shall have been confirmed by said Supreme Court, the said commissioners may deposit, as said court may direct, or pay to said owner, or to such person or persons as the court may direct, the sum mentioned in said report, in full compensation for the property so required. And thereupon the said village shall become seized in fee of the property so required, and said commissioners and village shall be discharged from all claim by reason of any such appropriation or use.

When village becomes seized.

§ 10. The said commissioners shall have power, and it shall be their duty to borrow from time to time, upon the credit of the village of Gloversville, a sum not exceeding one hundred and fifty thousand dollars upon such terms of credit, not exceeding forty years, and at a rate of interest not exceeding seven per cent. per annum, as shall seem for the best interest of said village, not over six thousand dollars, with interest, to be payable in any one year; and to secure said loan said commissioners are authorized to make, execute and deliver bonds, certificates or other obligations, which shall be signed by them, or any five of them as such commissioners, which said bonds, certificates or

Commissioners to borrow money.

Bonds.

How pay- other obligations shall be made payable in such respective amounts
able. and at such respective times as such commissioners shall deem best,
and the same and the interest thereon shall be a valid liability against
said village, and the credit of said village is pledged for the payment
of the same; and the said money so borrowed shall be appropriated
by said commissioners to supplying said village with water agreeably
with the provisions of this act.

Commis- § 11. Said commissioners shall have power to make all necessary
sioners contracts for labor and materials in the construction of the work and all
have pow- pertaining thereto; and whenever any contracts other than for labor by
er to con- the day shall be made, said contract shall be in writing, signed by a
tract. majority of the commissioners, and of which there shall be three
Certain originals executed by the parties, which shall be numbered with the
contracts same numbers, one of which shall be given to the contractor, one to the
to be in said board of trustees and one retained by the commissioners, and three
writing. weeks' public notice shall be given in one or more newspapers published
in said village, as the commissioners shall direct, of the times and
Sealed places at which sealed proposals will be received for entering into such
proposals, contracts; and the commissioners shall have full discretion as to the
notice for. acceptance or rejection of any and all sealed proposals. And in case
any material or labor shall then remain uncontracted for, the like
notice for sealed proposals and like proceedings as above provided
may be had, and so from time to time as said commissioners may desire
to contract for work or materials. And every person who shall enter
into any contract for the supply of materials or the performance of any
work, except for labor by the day, shall give satisfactory security to
said commissioners for the faithful performance of his contract accord-
ing to its terms.

Commis- § 12. No commissioner shall be interested, directly or indirectly, in
sioners any contract relating to the work or materials therefor, nor in any work
not to be or materials for the work, nor for any portion of the water-works, nor
interested shall he receive any compensation for his services, nor for anything
in con- pertaining thereto, further than all necessary expenses and disburse-
tracts, ments paid by him.
&c., nor to
receive
pay.

Right to § 13. The said commissioners, and all persons acting under their
use authority, shall have the right to use the ground or soil under any street,
ground highway or road within the county of Fulton, for the purpose of intro-
under ducing water into and through any or all portions of the village of
street Gloversville, on condition that they shall cause the surface of such
or highway. street, highway or road to be relaid and restored to its usual state, and
all damages done thereto to be repaired, and such right shall be con-
tinuous for the purpose of repairing or relaying water-pipes upon like
conditions.

Water § 14. The said commissioners shall establish a scale of rents to be
rents, charged and paid to the commissioners from time to time, either in
commis- advance or at such time or times as said commissioners shall prescribe,
sioners for the supply of water, to be called "water rents," and apportioned to
to estab- the different classes of buildings in said village, in reference to their
lish scale of dimensions, values, exposures to fires, ordinary or extraordinary uses
for dwellings, stores, shops, hotels, factories, livery stables, barns and
all other buildings, establishments and trades, yards, number of families
or occupants, or consumption of water as near as may be practicable,
and from time to time either modify, amend, increase or diminish such
rents. And said commissioners and their respective employees shall
be authorized at all times to enter into any building or place where

water is used from supply pipes, to examine as to the water, quantity of water used, and manner of using it.

§ 15. The connecting or supply pipes leading from buildings or yards to the distribution pipes shall be inserted and kept in repair at the expense of the owners or occupants of the building or yard, and shall not be inserted or connected with the main pipe until a permit therefor shall be obtained from said commissioners or other persons having charge thereof, and all such connecting or supply pipes shall be constructed in the manner directed by said commissioners or persons in charge.

Supply
pipes.

Permit
therefor.

§ 16. The entire annual receipts for water rents, after deducting therefrom such sums as may be necessary to defray the expenses of repair of said water-works, and extending the same, and other necessary expenses, shall be applied toward the payment of the interest on the loans, and also toward the creation of a sinking fund for the payment of the principal of the loan, as it shall from time to time become due and payable, which sinking fund shall be managed by said commissioners.

Receipts
for water
rents, how
applied.

§ 17. In case the entire annual receipts for water rents after deducting, as in said section sixteen provided, shall in any year, or in any respective years, not be sufficient to pay the interest for that respective year on said loan, it shall be the duty of the board of trustees of said village, and they are hereby directed to cause such deficiency to be assessed, levied and collected from the taxable property of said village, at the same time and in the same manner as other contingent expenses of said village are assessed, levied and collected, and with such other contingent expenses, and the same shall be applied to the payment of such interest.

Deficiency
to be
supplied
by tax.

§ 18. The said board of trustees of said village shall annually, on and after the year eighteen hundred and seventy-four, at the same time when the annual assessment of contingent expenses of said village are assessed, levied and collected, cause to be assessed, levied and collected, from the taxable property of said village, the sum of one thousand dollars, which amount when collected shall be paid to said commissioners for the purpose of increasing the sinking fund for the payment of said principal.

Annual
tax of
\$1,000 to
be levied.

§ 19. The said commissioners shall annually, on the first day of March in each year, and at all other such times as required by said board of trustees, deliver to said board of trustees a detailed statement of all their accounts, a general statement of all their work, and the condition of their affairs and state of finances, including a full detail of the amount expended in the progress of the work, and a particular statement of any deficiency as to water rents, as to meeting the interest upon the principal sum borrowed, as in the previous section hereinbefore referred to, and all books and papers of every kind and description kept by said commissioners, upon which are entries of their transactions as such, shall at all times be subject to inspection by said board of trustees, and by every elector of said village.

Annual
account,
commissioners to
render.

§ 20. All judgments against said commissioners in their name of office, and judgments against them, when the transaction upon which the action was brought shall have been in the performance of their duties as commissioners, shall be deemed judgments against said village, and shall not be enforced against the individual property of either of the said commissioners.

Judgments
against
commissioners.

§ 21. The said commissioners shall have power from time to time to make and establish such by-laws, rules and regulations as they shall

By-laws,
commissioners

- may make. deem proper for the election of their officers, and as to the duties of their officers and employees, and as to the means of enforcing said duties, and for regulation of the time and manner of holding meetings of said commissioners, and for enforcing the collection of water rents, and regulating the manner of using water, and generally for transacting, managing and directing the affairs of the commissioners, and may provide regulations as to water used, water and water rents, and enforce the observance thereof by cutting off the use and supply of water; provided that such by-laws, rules and regulations are not repugnant to this act, the Constitution of this state or of the United States.
- Observance, how enforced.
- Misdemeanor. § 22. A violation of any of the provisions of this act by any of such commissioners shall be deemed a misdemeanor, and, upon conviction thereof of any such commissioner, his term of office shall be deemed vacant.
- Meeting of resident tax payers. Notice of § 23. As soon after the passage of this act as shall be deemed advisable by said board of trustees, a meeting of the resident tax-payers of said village, as shown by the last preceding assessment roll of said village, shall be called by the said board of trustees, upon a notice published for two weeks in all the newspapers published in said village, at which the question shall be submitted, whether the taxes in this act authorized for the purposes aforesaid shall be levied and collected from the village as in this act provided; and said commissioners shall not proceed with their duties under this act unless the majority of voters voting at such meeting shall vote in favor of such taxes. Such vote shall be by ballot, and there shall be written or printed on the ballot of those in favor of such taxes "In favor of taxes for water-works," and on the ballots of those opposed "Against taxes for water-works."
- Questions to be submitted.
- Repeal. § 24. Chapter eight hundred and twenty-one of the laws of eighteen hundred and seventy-one is hereby repealed.
- § 25. This act shall take effect immediately.

Chap. 617.

AN ACT to incorporate the Lewiston Water-works Company.

Passed June 8, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- Corporators. SECTION 1. James Van Cleve, Joseph E. Ways, William Hotchkiss, Leander K. Scovell, Peter P. Barton, Arthur Gray, George H. Tryon, and all such persons as are or may be hereafter associated with them, are constituted a body corporate, by the name of the Lewiston Water-works Company.
- Corporate name.
- Capital stock. § 2. The capital stock of said company shall be fifty thousand dollars to be divided into shares of fifty dollars each, and the said company are hereby empowered to increase their capital stock at any time, not to exceed one hundred and twenty-five thousand dollars.
- Books of subscription. § 3. Books of subscription for the capital stock of said corporation shall be opened under the direction of the directors hereinafter named, subject to such rules and regulations as they shall prescribe, and the stock shall be considered personal property, and shall be assignable and transferable on the books of the company.
- Directors. § 4. The concerns of said company shall be managed by seven directors, who shall be stockholders, and a majority of whom shall be resi-

dents of the town of Lewiston, and who shall hold their offices for one year, and until others are chosen in their places. The directors shall be chosen annually on the first Wednesday of December, at such time of day and place, in the village of Lewiston, as the directors, for the time being, shall appoint. The first election shall be held on the first Wednesday of December, eighteen hundred and seventy-four. Two weeks' notice of such election shall be given by notice being posted in four conspicuous places in said village. Each stockholder shall be entitled to one vote upon each share of stock held by him or her for at least twenty days previous to an election. Voting shall be by ballot, and may be in person or by proxy.

Their term of office. To be chosen annually. First election.

Notice of

§ 5. The directors shall annually appoint a president, secretary and treasurer, and such other officers as they shall deem necessary, who shall hold their offices until others are appointed in their places, and they may make and ordain such by-laws and regulations as they may deem necessary and proper for the management of their business, and for accomplishing the purposes of the corporation.

President, &c., to be appointed. By laws.

§ 6. The directors may require payment of subscriptions to the stock at such times and in such proportions as they may see fit, under the penalty of forfeiting all stock and previous payments thereon, and may sue for and recover all such subscriptions. Notice of the time and place of said payment shall be published for two weeks previous to said time, at least once in each week, in a newspaper published in Niagara county.

Payment of stock subscriptions.

Notice.

§ 7. The persons named in the first section shall be the first directors, and shall hold their offices until the said first Wednesday of December, eighteen hundred and seventy-four, and until others are chosen in their places, and in case of vacancy in the direction, by reason of the death or resignation of any director, or of his ceasing to be a stockholder, it may be filled by the remaining directors until the next annual election, or until some other person shall be elected to fill the same. The directors herein named may appoint three persons, who shall be stockholders, to be inspectors at the first election, after which the stockholders shall choose three such inspectors at the annual election. If no inspectors are chosen, the directors may appoint three from time to time. The directors may remove all officers appointed by them, and appoint others in their places, and fill all vacancies in the offices. If at any time an election of directors shall not take place on the day appointed by this act, the corporation shall not for that cause be dissolved, but an election may be held on another day in such manner as shall be prescribed by the directors, or provided for by the by-laws.

First directors.

Vacancy, how filled.

Inspectors of election.

Failure of election not to dissolve corporation.

§ 8. For the purpose of supplying the said village of Lewiston with water, and also the farms north and east of the said village with water, the said company may purchase, take and hold any real estate, and, by their directors, agents or other persons employed, may enter upon the lands of any person or persons which may be necessary for the said purpose, and may take the water from the Niagara river, or from any stream emptying into the said river, at such point of said river or stream as the said company shall deem necessary, and divert and convey the same to the said village and to the farming vicinity north and east of the said village, and may construct any pipes, conduits, aqueducts, reservoirs and other works or machinery necessary or proper for the said purpose, upon any lands so entered upon, held or taken, by purchase or otherwise, as hereinafter provided. The said company may, as aforesaid, enter upon any lands, streets, highways, roads or public squares, through which they may deem it proper to convey the

Power to take and hold real estate, to enter upon lands, &c.

To enter upon streets, &c.

water so as aforesaid to be taken, and lay and construct any pipes or other works for that purpose, leaving the said lands, streets, highways, roads and public squares, as nearly as may be, as they were before said entry ; but the said company shall not, within the village of Lewiston, nor on the farms north or east of the said village, construct any such works on any occupied lot or farm, without the written consent of the owner or owners thereof first had or obtained.

Consent of
owners.

Survey
and map.

§ 9. Before entering, taking or using any land for the purposes of this act, the directors of this company shall cause a survey and map to be made, of the lands intended to be taken or entered upon for any of said purposes, and by which the land of such owner or occupant intended to be taken or used shall be designated, and which map shall be signed by the surveyor or engineer making the same, and by the president of said company, and be filed in the office of the clerk of the county of Niagara, and notice thereof given to each person whose land or water it is proposed to take for the purposes of this act. The company, by any two of its officers, agents or servants, may enter upon any lands for the purpose of making any examination, and of making said survey and map, doing no unnecessary damage.

Map to be
filed and
notice
given.

Commis-
sioners to
estimate
damages,
how ap-
pointed.

§ 10. In case the said company cannot agree with the said owners and occupants of any lands or water intended to be taken or used as aforesaid for the purchase thereof, the directors may apply to the county court of the county of Niagara, or to the Supreme Court, at any term or session thereof held in the county of Niagara, on ten days previous notice to each person, whose land or water is proposed to be taken as aforesaid, for the appointment of three disinterested commissioners, who are hereby authorized to examine all land and water proposed to be taken for the purposes of this act, and to determine what land and water may be taken and used by said company for the purposes contemplated by this act, and by whom the compensation to be paid for the damages suffered, or to be suffered, by any person or persons by reason of taking said lands and water and constructing any of the works of said company, shall be ascertained and determined ; and in case of the death, resignation, refusal or disability to act of any of said commissioners, the said court may appoint others in their places. The commissioners shall cause notice of at least twenty

Commis-
sioners to
give no-
tice of
meeting.

How
served.

days of the time and place of their meeting, to determine what land or water may be taken for the purposes of this act, and to assess the damages therefor, to be served upon such of the owners of said land and water as can be found in this State, which may be served personally, or in their absence from their dwellings or places of business, by leaving the same thereat with some person of suitable age ; and in case of any legal disability of such owner to act, thereupon serving notice in like manner upon his or her guardian, or person appointed to act for him or her as hereinafter directed, and in case any of said owners cannot be found in this State, such notice shall be given them by publishing the same for six weeks successively in a newspaper published in said county ; and if any of said owners shall be married women, insane, infants or idiots, the said court shall appoint some suitable person to attend in their behalf before said commissioners, and take care of their interests in the premises. The commissioners may issue subpoenas to compel the attendance of witnesses to testify before them, and they, or any one of them, may administer the usual oath to such witnesses.

Guardian
for in-
fants, &c.

Report of
commis-
sioners.

They shall make a written report of all their proceedings, containing the testimony taken by them, and showing a description of the land allowed to be taken, and of the water to be used, and the manner in

which the same may be used and conveyed, the sum awarded to each owner or any other person, and return the same to the said court to be filed of record. The company shall pay to each commissioner the sum of three dollars per day for every day necessarily spent by him in the performance of his duties under this act, and to each witness sworn and testifying, whom the commissioners shall certify were properly and necessarily subpoenaed, the sum of one dollar per day, and four cents per mile travel coming and returning, if living more than three miles from the place of meeting.

Their
compensation.
Witness
fees.

§ 11. The said company, or any party to the proceedings of the commissioners, may appeal from any award or determination of the commissioners, to the court appointing them, provided the party appealing shall, within ten days after receiving or giving notice of the determination of said commissioners, either in relation to the land or water to be taken or the compensation therefor, give notice in writing of the appeal to the other party or parties interested in the same, and if their proceedings in any case have been irregular, the court may set the same aside and order new proceedings and appraisal, and the said court may make such orders in reference to the proceedings of the commissioners, and of notices to be given to parties, as may not be inconsistent with this act, and as the nature of the case and the interests of the parties may require.

Appeal.

§ 12. Upon the payment or legal tender of the compensation awarded by the said commissioners, or the determination of said court on appeal, as the case may be, the said company shall be entitled to enter upon for the purpose contemplated by this act, all the lands, waters and real estate which they shall be permitted to take by the determination of said commissioner or the court as aforesaid, for which said compensation shall be paid or tendered as aforesaid, and to hold and use the same for the said purposes to them and their successors forever. If any person to whom any compensation shall be awarded or who shall be entitled to the same by virtue of said award, cannot be found, or shall refuse to receive the sum awarded to him or her, then the said payment may be made by depositing the amount of said award to the credit of said person in such bank as may be appointed by said court. A certificate of such deposit, signed by the cashier of the bank, shall be published by said company in two newspapers published in said county, for four weeks successively, immediately after said deposit. If the person to whom compensation is awarded or who is entitled to receive the same as aforesaid, be under legal disability as aforesaid, payment may be made to his or her guardian or person appointed as aforesaid by the said court, and if said guardian or person appointed cannot be found, then by deposit in bank as aforesaid.

When
company
may enter
upon
lands, &c.

When sum
awarded
may be de-
posited.

Certificate
thereof
be pub-
lished.

Payment
to guard-
ian.

§ 13. The said company shall also take and hold, for the purposes contemplated by this act, all the lands, waters and real estate which they shall in any way legally enter upon and take by virtue hereof to them and their successors during the continuance of this act.

How long
company
may hold
land, &c.

§ 14. In laying pipes, conduits or aqueducts or constructing or erecting works in the streets, lanes or public squares of the village of Lewiston, the company shall conform to such regulations as the board of trustees of said village shall prescribe.

Regula-
tions for
laying
pipes, &c.

§ 15. The said directors of said company may establish rules and regulations for and concerning the conduct of all such persons as shall use the water from their works, so far as respects the preservation and use and restraining the waste thereof, and may thereby impose penalties and forfeitures for any violation of said rules and regulations, so

Regula-
tions for
use of
water.

Penalties
and for-
feiture.

- that such penalty and forfeitures shall not in any case exceed ten dollars, which penalties may be recovered with the costs in the name of the company before any justice of the peace of said county. Said rules and regulations shall be published for three weeks successively in a newspaper published in said county, and a copy of said rules and regulations certified by the president or secretary of said company with affidavits of the publication of the same, made by any one of the publishers of said paper or by a foreman in the office where published, shall be received as evidence in all courts and places.
- Rules, &c., to be published.**
- Evidence.**
- Village may subscribe to capital stock.**
- Consent of tax-payers.**
- Bonds.**
- Company to furnish water to extinguish fires. Agreements, &c.**
- Willful injury to works, &c., a misdemeanor.**
- Provisions of R. S. applied.**
- Liability of stockholders.**
- Capital stock, when to be paid in.**
- Certificate that capital stock has been paid in.**
- § 16. After the organization of said company, and the expenditure of fifty per cent. of its capital by said company, the village of Lewiston, in its corporate capacity, may subscribe, for fire purposes, to the capital stock of said company to the amount of twenty-five thousand dollars; provided, nevertheless, that a majority of the tax-payers, representing a majority of the assessed valuation of said village appearing upon the last preceding assessment roll or tax list of said village, shall have first given their consent thereto in meeting,* and may issue bonds therefor of said village; such stock when issued to said village to be paid for in the same manner, and to be subject to the same provisions as other stock of said corporation.
- § 17. The said company shall furnish water to the village of Lewiston for the purpose of extinguishing fires, upon such terms as may be agreed upon between them and the trustees of said village. The said company may make any agreements, contracts, grants and leases for the sale, use and distribution of water that may be agreed upon between said company and any person or persons, associations and corporations, which agreements, contracts, grants and leases shall be valid and effectual in law, but the said company shall make no lease or contract for the use of any water power south of the brow of the mountain.
- § 18. Any person who shall maliciously or willfully destroy, or injure any of the works or property of said company, or who shall maliciously or willfully commit any act which shall injuriously affect, or tend thus to affect the water of said company, shall be guilty of a misdemeanor.
- § 19. The corporation hereby created shall possess the powers, and be subject to the provisions of title three, chapter eighteen of the first part of the Revised Statutes.
- § 20. All the stockholders of the company hereby created shall be severally and individually liable to the creditors of said company, to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by said company, until the whole amount of the capital stock fixed and limited by the directors of said company shall be paid in and a certificate thereof shall have been made and recorded as prescribed in the following section, and the capital stock so fixed shall all be paid in, one-half thereof in one year, and the other half within two years from the time of the commencement of the works of said company under this act, or the corporation hereby created shall be dissolved.
- § 21. The president and a majority of the directors within thirty days after the payment of the last installment of the capital stock, shall make a certificate of the amount of the capital fixed and paid in, which certificate shall be signed and sworn to by the president and a majority of the directors, and shall, within thirty days, be recorded in the clerk's office of Niagara county.

* So in original.

§ 22. The stockholders of said company shall be jointly and severally liable for all debts that may be due and owing to all their laborers and servants for services performed for said company.

Liability to laborers and servants.

§ 23. The indebtedness of said company shall not at any time exceed an amount equal to fifty per cent. of its capital stock, and if the indebtedness of said company shall at any time exceed such amount, the directors of said company assenting thereto shall be personally and individually liable for such excess to the creditors of said company.

Limit of indebtedness, &c.

§ 24. No person holding stock in said company as executor, administrator, guardian or trustee, and no person holding such stock as collateral security, shall be subject to any liability as a stockholder of said company, but the person pledging the said stock shall be considered as holding the same, and shall be liable as a stockholder accordingly, and the estates and funds in the hands of such executor, administrator, guardian or trustee, shall be in like manner, and to the same extent as the testator or intestate, or the ward or person interested in such fund would have been if he had been living and competent to act and hold the stock in his own name. Every such executor, administrator, guardian or trustee shall represent the shares of stock owned by him as such administrator, guardian or trustee, at all meetings of the company and may vote as a stockholder, and every person pledging his stock as aforesaid may in like manner represent the same and vote accordingly.

Executor, &c., not personally liable as stockholders.

Liability of estates.

Executors, &c., may vote as stockholder.

§ 25. No stockholder shall be personally liable for any debt contracted by said company, unless a suit for the collection of said debt shall be brought against said company, within one year after the debt shall have become due, and no suit shall be brought against any stockholder until an execution against the company shall be returned unsatisfied, in whole or part, and every contract to be made under this act by which said company shall obtain credit shall be in writing, and there shall be attached to the copy of said contract delivered to the creditor a printed copy of this section of said act.

When suit may be brought against stockholder.

Contracts to be in writing.

§ 26. If the said directors shall at any time after the organization of said company, determine to increase the capital stock as herein provided, the books of subscription for said additional stock shall be opened in the same manner as provided in section three of this act, and the said directors may require payment of the subscription to the said additional stock, in the same manner as provided in section six of this act.

Increase of capital stock.

§ 27. Whenever the village of Lewiston shall pay to the said company such sum as will, when added to the annual receipts of the said company over and above the necessary annual expenditures of the said company, make the interest amount to eight per cent. per annum upon the capital stock actually paid in and expended, together with the sum so paid in and expended, then the said water-works and all the lands, fixtures, appurtenances and property, shall become the property of the said village, provided a majority of the stockholders shall assent thereto. But the said village shall be bound by any existing contracts, leases, agreements or liabilities of the said company.

When water works to become property of village.

Chap. 618.

AN ACT for the relief of William Baxter, David P. Dobbins, and Theodore Davis.

Passed June 8, 1874; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Comptroller to make payment to William Baxter.

SECTION 1. The Comptroller shall pay William Baxter or his legal representatives, upon the presentation of the certificate of the State Engineer and Surveyor, that said William Baxter has placed, during the season of navigation of eighteen hundred and seventy-four, upon the canals of this State seven steam-boats fully equipped and being in all respects equal in power and capacity to the steam canal boat "City of New York," to fulfill the requirements and conditions of chapter eight hundred and sixty-eight of the laws of eighteen hundred and seventy-one, the sum of thirty-five thousand dollars. And the Comptroller shall in like manner, upon the certificate of the State Engineer and Surveyor, pay to David P. Dobbins or his legal representatives, whenever he shall, within the season of navigation of eighteen hundred and seventy-four, have placed upon the canals of this State, three steam-boats, each fully equipped, and being in all respects fully equal in power and capacity to fulfill the requirements and conditions of chapter eight hundred and sixty-eight of the laws of eighteen hundred and seventy-one, to the steam canal boat "William Newman," the sum of fifteen thousand dollars.

To David P. Dobbins.

To Theodore Davis.

And the Comptroller shall in like manner, upon the certificate of the State Engineer and Surveyor, pay to Theodore Davis, or his legal representatives, whenever he shall, within the season of navigation of eighteen hundred and seventy-four, have placed upon the canals of this State, one steam-boat, fully equipped, and being in all respects fully equal in power and capacity to fulfill the requirements and conditions of chapter eight hundred and sixty-eight of the laws of eighteen hundred and seventy-one, to the steam canal boat "Central City," the sum of five thousand dollars.

§ 2. This act shall take effect immediately.

Chap. 619.

AN ACT to amend an act entitled "An act authorizing the construction of a railroad through certain streets in the city of Poughkeepsie, and through certain streets or roads in the town of Poughkeepsie, in the county of Dutchess," passed April four, eighteen hundred and sixty-six.

Passed June 8, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of the act entitled "An act authorizing the construction of a railroad through certain streets in the city of Poughkeepsie, and through certain streets and roads in the town of Pough-

keepsie, in the county of Dutchess," passed April four, eighteen hundred and sixty-six, is hereby amended so as to read as follows :

§ 1. All persons who shall become stockholders pursuant to this act, shall be and they are hereby constituted a body politic and corporate by the name of "The Poughkeepsie City Railroad Company," for the purpose of constructing, and they are hereby authorized to construct and lay a railroad track or tracks, with the necessary turn-outs, in and through certain streets in the city of Poughkeepsie, and in and through certain streets and roads in the town of Poughkeepsie, Dutchess county, commencing at the Hudson river, at the foot of Main street, running thence easterly through Main street and the Dutchess turnpike to the corporation line of the said city of Poughkeepsie ; thence on and through such streets, roads or turnpike in the town of Poughkeepsie as may be deemed most feasible and proper by the said corporation, to the main entrance to Vassar Female College grounds, with a branch connecting at the junction of Main, Clinton and Smith streets, and running thence through either Clinton or Smith streets, and any streets intersecting the same, to Poughkeepsie upper passenger depot of the Poughkeepsie and Eastern railroad, wherever the same may be located ; also with a further branch connecting at the intersection of Main and Market streets, running through Market street to Montgomery street ; through Montgomery street to Hudson street ; through said Hudson street to the old Poughkeepsie and Stormville plank-road ; over such road to any road or street which is now or may hereafter be laid out from said old plank-road to the road which runs from the Dutchess turnpike past Vassar Female College ; and over such new road or street to said road running past said college, thence along said road to the said main entrance to the said grounds of the Vassar Female College ; also, with a further branch from said Main street and Dutchess turnpike in said city and town of Poughkeepsie, through Grand avenue, or such other street or streets as now are or hereafter may be laid out, to the said Hudson street and the old Poughkeepsie and Stormville plank-road.

Corporators.

Corporate name.

May construct rail road.

Route.

Branch, route of

Further branch, route of

§ 2. This act shall take effect immediately.

Chap. 620.

AN ACT to amend chapter three hundred and ninety-six of the laws of eighteen hundred and seventy-two, entitled "An act to incorporate the Mamaroneck and Rye Neck Fire Department," passed April twenty-sixth, eighteen hundred and seventy-two.

Passed June 8, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of an act entitled "An act to incorporate the Mamaroneck and Rye Neck Fire Department," passed April twenty-sixth, eighteen hundred and seventy-two, is hereby amended so as to read as follows :

§ 1. All that portion of the towns of Mamaroneck and Rye, in the county of Westchester, which is embraced in the following bounds and limits, to wit : Commencing at a point at the easterly end of Van Amringes mill-dam, running thence along the westerly line of Van

Mamaroneck and Rye Neck fire district.

bound-
aries of.

Amringes mill-pond to the extreme point of the most easterly arm of the said mill-pond; thence in a direct line to a stone adjoining the lands of Mr. Grant on the Harrison road, in a road defining the boundary line of the towns of Harrison and Rye; thence following the division line of said towns to the Mamaroneck river, following the bank of said river to what is generally known as the Boulevard bridge; thence from said Boulevard bridge in a direct line to what is known as Higbie's bridge; from said Higbie's bridge in a direct line to the junction of Weaver street and the Boston post-road, crossing said post-road, and following the easterly line of the creek, generally known as the "Gut," to Long Island Sound; thence following the line of the sound to the point of starting, shall hereafter be known as the Mamaroneck and Rye Neck Fire District.

§ 2. Section two of said act is amended so as to read as follows:

Who shall
be deemed
members
of the cor-
poration.
Corporate
name.
Corporate
powers.

§ 2. All male citizens of lawful age, residing within said corporate limits, and who are tax-payers therein, shall be deemed members of the corporation established and created by this act, and as such shall be a body corporate, to be called and known as "The Mamaroneck and Rye Neck Fire Department," and shall have perpetual succession, and by that name be capable of suing and being sued in all courts and places, in all manner of actions; and also have power to take, hold and convey any real or personal property, to an amount not exceeding five thousand dollars, for the purpose of procuring suitable fire-engines, hooks and ladders, all necessary tools and implements for the safety and preservation of the property within said fire district from destruction by fire, and also to provide suitable engine houses for the safety and protection of the fire engine and other property belonging to said department.

§ 3. Section three of said act is hereby amended so as to read as follows:

Trustees,
their pow-
ers and
duties.

By-laws.

Fines and
penalties.

§ 3. Joseph Hoffman, George J. Hains,* Samuel William Johnson, John W. Revere and George W. Armstrong, shall be and are hereby declared trustees of said fire department; and their successors, or a majority of them, shall have full power and authority, and it shall be their duty to make, establish and ordain such by-laws, rules and regulations as they may from time to time deem proper for the organization of one or more fire companies for the prevention of fires and the safety of the property within said fire district from danger by fire, and also the time and manner of appointing firemen, not exceeding fifty to each fire-engine or hook and ladder company; to make and ordain such rules and regulations for the government of the persons appointed as firemen, and impose such fines and penalties, not exceeding fifty dollars for any one offense, upon such persons as shall violate any ordinance or by-law that may be adopted for the government and safety of any property within said fire district from destruction by fire; and also to impose such fines and penalties, not exceeding five dollars for each offense, upon any person or persons appointed as firemen, for any violation of the rules and regulations that may be adopted for the government of any fire company organized under this act, and generally to manage, control and regulate the affairs and property of said corporation for the purposes hereby established.

§ 3.* Section four of said act is hereby amended so as to read as follows:

Fines and
penalties,
how re-

§ 4. All fines and penalties incurred by this act shall and may be recovered by the Mamaroneck and Rye Neck Fire Department, before

* So in original.

any justice of the peace residing within the established fire district, in any action to be brought for that purpose, with costs of suit. All fines and penalties collected shall be applied for the purpose of procuring and keeping in repair the fire-engine or engines, hose, hook and ladder trucks and other implements belonging to said corporation.

covered
and ap-
plied.

§ 4.* Section five of said act is hereby amended so as to read as follows:

§ 5. The first meeting of the members of said fire department shall be held on the first Monday of June, eighteen hundred and seventy-

First
meeting.

four. The first annual meeting for the election of a trustee of said fire

First an-
nual meet-
ing for
election
of trustee.

department shall be held on the first Monday of June, eighteen hun-

dred and seventy-five, at such place as shall be designated by the

Term of
office.

trustees named in the third section of this act, and one trustee shall be

elected annually thereafter. The trustee so elected shall hold his office

for five years or until another is chosen and qualified as his successor.

The trustees named in the third section of this act shall hold their

respective offices as follows: George W. Armstrong until the first Mon-

Vacancy,
how filled.

day of June, eighteen hundred and seventy-five; John W. Revere until

the first Monday of June, eighteen hundred and seventy-six; Samuel

William Johnson until the first Monday of June, eighteen hundred and

Time and
place of
meeting to
be fixed.

seventy-seven; George J. Haines until the first Monday of June,

Notice of.

eighteen hundred and seventy-eight; Joseph Hoffman until the first

Monday of June, eighteen hundred and seventy-nine, and until their

successors shall be elected, as herein provided. The trustees, when-

ever a vacancy occurs, from death or resignation of one of their number,

Powers of
members
when law-
fully as-
sembled.

shall have power to call a meeting of the members of said fire depart-

ment, who shall proceed to fill such vacancy, as provided for in section

seven of the act hereby amend. At the first meeting held pursuant to

this act, and at each annual meeting thereafter, the hour and place of

holding the next annual meeting shall be fixed. The trustees shall

cause a notice of the time and place of every meeting to be held under the

Levying
money,
qualifica-
tions of
voters, &c.

provisions of this act, to be posted in at least five public places in the

district mentioned in the first section of this act, at least six days before

the time appointed for such meeting; and if there be a newspaper

published in either of the towns of Mamaroneck or Rye,* they shall

also cause a copy of such notice to be published in such paper at least

once before the time of such meeting.

§ 5.* Section seven of said act is hereby amended so as to read as follows:

§ 7. The members of said fire department, when lawfully assembled

at any meeting called by the trustees, shall have power by a majority

of the votes of those present:

1st. To appoint a chairman for the time being.

2nd. To adjourn from time to time, as occasion may require.

3rd. To elect one trustee, provided the call in this instance is made

for the regular annual election, and to fill any vacancy thereof.

4th. To authorize the trustees to levy such sums of money as may be

deemed necessary for the purchase of fire-engines and other apparatus,

and for the purchase of a site or sites (not exceeding two), for engine

houses, and to enable them to build engine houses and to keep the

same in repair, but no person shall vote at such meeting upon any

question involving the levy of such sums of money unless he is a tax-

payer in the district described in the first section of this act, and it

bound-
aries of.

Amringes mill-pond to the extreme point of the most easterly arm of the said mill-pond; thence in a direct line to a stone adjoining the lands of Mr. Grant on the Harrison road, in a road defining the boundary line of the towns of Harrison and Rye; thence following the division line of said towns to the Mamaroneck river; following the bank of said river to what is generally known as the Boulevard bridge; thence from said Boulevard bridge in a direct line to what is known as Higbie's bridge; from said Higbie's bridge in a direct line to the junction of Weaver street and the Boston post-road, crossing said post-road, and following the easterly line of the creek, generally known as the "Gut," to Long Island Sound; thence following the line of the sound to the point of starting, shall hereafter be known as the Mamaroneck and Rye Neck Fire District.

§ 2. Section two of said act is amended so as to read as follows:

Who shall
be deemed
members
of the cor-
poration.
Corporate
name.
Corporate
powers.

§ 2. All male citizens of lawful age, residing within said corporate limits, and who are tax-payers therein, shall be deemed members of the corporation established and created by this act, and as such shall be a body corporate, to be called and known as "The Mamaroneck and Rye Neck Fire Department," and shall have perpetual succession, and by that name be capable of suing and being sued in all courts and places, in all manner of actions; and also have power to take, hold and convey any real or personal property, to an amount not exceeding five thousand dollars, for the purpose of procuring suitable fire-engines, hooks and ladders, all necessary tools and implements for the safety and preservation of the property within said fire district from destruction by fire, and also to provide suitable engine houses for the safety and protection of the fire engine and other property belonging to said department.

§ 3. Section three of said act is hereby amended so as to read as follows:

Trustees,
their pow-
ers and
duties.

§ 3. Joseph Hoffman, George J. Hains,* Samuel William Johnson, John W. Revere and George W. Armstrong, shall be and are hereby declared trustees of said fire department; and their successors, or a majority of them, shall have full power and authority, and it shall be

By-laws.

their duty to make, establish and ordain such by-laws, rules and regulations as they may from time to time deem proper for the organization of one or more fire companies for the prevention of fires and the safety of the property within said fire district from danger by fire, and also the time and manner of appointing firemen, not exceeding fifty to each fire-engine or hook and ladder company; to make and ordain such rules and regulations for the government of the persons appointed as firemen, and impose such fines and penalties, not exceeding fifty dollars for any one offense, upon such persons as shall violate any ordinance or by-law that may be adopted for the government and safety of any property within said fire district from destruction by fire; and also to impose such fines and penalties, not exceeding five dollars for each offense, upon any person or persons appointed as firemen, for any violation of the rules and regulations that may be adopted for the government of any fire company organized under this act, and generally to manage, control and regulate the affairs and property of said corporation for the purposes hereby established.

Fines and
penalties.

§ 3.* Section four of said act is hereby amended so as to read as follows:

Fines and
penalties,
how re-

§ 4. All fines and penalties incurred by this act shall and may be recovered by the Mamaroneck and Rye Neck Fire Department, before

* So in original.

Chap. 621.

AN ACT to amend an act entitled "An act in relation to elections in the city and county of New York, and to provide for ascertaining by proper proof the citizens who shall be entitled to the right of suffrage thereat, passed May the fourteenth, eighteen hundred and seventy-two, being chapter six hundred and seventy-five of the laws of eighteen hundred and seventy-two, and the act or acts amendatory thereof, or supplementary thereto.

Passed June 8, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section nine of chapter six hundred and seventy-five of the laws of eighteen hundred and seventy-two is hereby amended so as to read as follows :

§ 9. It shall be the duty of the board of police on or before the fifteenth day of August, in the year one thousand eight hundred and seventy-four, to divide the seventeenth and twentieth Assembly districts in the city and county of New York, into election districts, so as each election district shall contain as near as practicable two hundred and fifty voters, the registration for the year eighteen hundred and seventy-two being taken as the basis on which such division shall be made. As far as possible the board of police shall preserve in the new districts, the numerical numbers existing in the present election districts, in each of said Assembly districts ; and no election district shall be in part within two congressional districts. And it shall not be lawful for the said board prior to or on the said fifteenth day of August, to alter or change either the number or boundaries of any election district, in any other Assembly district, in the city and county of New York, or to thereafter alter or change either the number or boundaries of any election district, save in such years as by law the said city and county is re-districted by Assembly districts, and in such years as the usual and customary enumeration of citizens in the city and county of New York is had and taken, when as early as the first day of September, in any such year a general re-districting of the said city and county of New York, upon the same numerical basis as to voters as in this section above provided, shall be made by Assembly districts, upon the basis of the registration of voters for that year last preceding the time of such re-districting, in which members of congress shall have been chosen.

Seven-
teenth
and twen-
tieth as-
sembly
districts to
be divided
into elec-
tion dis-
tricts.

Re-dis-
tricting.

On or before the fifteenth day of August, in the year one thousand eight hundred and seventy-four, the said board of police shall also divide the twenty-third and twenty-fourth wards of said city, formed out of the territory lately annexed to the city of New York, into election districts, so that each of such districts shall contain as near as practicable two hundred and fifty voters, the number of votes cast in the several election districts in said territory at the general election held for the year one thousand eight hundred and seventy-two being taken as the basis on which such division shall be made ; but at any subsequent re-districting of said territory all the provisions of this act for

Twenty-
third and
twenty-
fourth
wards to
be divided
into elec-
tion dis-
tricts.

shall require a majority of all the tax-payers present at such meeting to authorize the levying of any sum or sums of money.

§ 6.* Section eight of said act is hereby amended so as to read as follows:

When trustees to make out tax list and assessment roll, &c. § 8. The trustees shall, as often as any sum of money shall be voted for the purpose aforesaid, and within ten days thereafter, make out a tax list and assessment roll of the property embraced in the fire district, and also make out a warrant for the collection of said tax, returnable at the expiration of sixty days from the delivery of the same to the collectors, and to deliver the same to a collector (whom they shall have power to appoint) within fifteen days of the time of such vote. Said tax list and assessment roll to be based upon the last assessment rolls of the towns of Mamaroneck and Rye,* so far as the same shall apply to property embraced within said fire district; and it shall be the duty of the collector to collect such tax from the taxable inhabitants of the fire district in the same manner as the town taxes are authorized to be collected by law. The collector shall receive and collect, in addition to the tax authorized as aforesaid, the sum of five cents on each dollar so collected by him, under the warrants of said trustees for his fees.

Tax list, &c., upon what to be based. Tax, how collected. Collector's fees.

§ 7.* Section nine of said act is hereby amended so as to read as follows:

Estimate of contingent expenses, trustees to make, &c. § 9. It shall be the duty of said trustees to prepare a statement of the sums necessary to be raised for the contingent expenses of said department, and to present the same at the first meeting held under and pursuant to this act, and at each and every annual meeting thereafter, for the consideration and approval of the citizens in the fire district, and they shall at such meeting present an account of all expenditures made by them under and pursuant to this act during the year prior to such meeting, which account shall be verified by the oath of such trustees or a majority of them to the effect that the same is true.

Account of expenditures.

Act revived and continued. § 8.* The corporation created by the act hereby amended shall not be deemed to have lost any of the rights or privileges conferred* by said act by reason of any failure to hold any meeting thereby provided for, or by reason of any neglect of the trustees therein named to perform any of the powers and duties required by this act, but the said act is hereby revived and continued in full force and effect.

§ 9.* This act shall take effect immediately.

* So in original.

Chap. 621.

AN ACT to amend an act entitled "An act in relation to elections in the city and county of New York, and to provide for ascertaining by proper proof the citizens who shall be entitled to the right of suffrage thereat, passed May the fourteenth, eighteen hundred and seventy-two, being chapter six hundred and seventy-five of the laws of eighteen hundred and seventy-two, and the act or acts amendatory thereof, or supplementary thereto.

Passed June 8, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nine of chapter six hundred and seventy-five of the laws of eighteen hundred and seventy-two is hereby amended so as to read as follows:

§ 9. It shall be the duty of the board of police on or before the fifteenth day of August, in the year one thousand eight hundred and seventy-four, to divide the seventeenth and twentieth Assembly districts in the city and county of New York, into election districts, so as each election district shall contain as near as practicable two hundred and fifty voters, the registration for the year eighteen hundred and seventy-two being taken as the basis on which such division shall be made. As far as possible the board of police shall preserve in the new districts, the numerical numbers existing in the present election districts, in each of said Assembly districts; and no election district shall be in part within two congressional districts. And it shall not be lawful for the said board prior to or on the said fifteenth day of August, to alter or change either the number or boundaries of any election district, in any other Assembly district, in the city and county of New York, or to thereafter alter or change either the number or boundaries of any election district, save in such years as by law the said city and county is re-districted by Assembly districts, and in such years as the usual and customary enumeration of citizens in the city and county of New York is had and taken, when as early as the first day of September, in any such year a general re-districting of the said city and county of New York, upon the same numerical basis as to voters as in this section above provided, shall be made by Assembly districts, upon the basis of the registration of voters for that year last preceding the time of such re-districting, in which members of congress shall have been chosen.

Seventeenth and twentieth assembly districts to be divided into election districts.

Re-districting.

On or before the fifteenth day of August, in the year one thousand eight hundred and seventy-four, the said board of police shall also divide the twenty-third and twenty-fourth wards of said city, formed out of the territory lately annexed to the city of New York, into election districts, so that each of such districts shall contain as near as practicable two hundred and fifty voters, the number of votes cast in the several election districts in said territory at the general election held for the year one thousand eight hundred and seventy-two being taken as the basis on which such division shall be made; but at any subsequent re-districting of said territory all the provisions of this act for

Twenty-third and twenty-fourth wards to be divided into election districts.

the city and county of New York shall be observed and performed in relation thereto ;

Proviso.

Provided, however, that the said board of police may, on or before the fifteenth day of August, in the year one thousand eight hundred and seventy-four, and in each second year thereafter, divide such election districts, and such only as by the registration of voters of the two preceding years shall be found to have had an average registration of more than four hundred voters. But in any such division of any such district, one portion of the district shall retain the original numerical designation, and the other portion shall take the number immediately following the highest numbered district in the Assembly district of which it forms a part.

§ 2. Section thirty-seven of chapter six hundred and seventy-five of the laws of eighteen hundred and seventy-two is hereby amended so as to read as follows :

Registration of voters.

§ 37. No person who is registered in one election district shall register or cause himself to be registered in another district while any prior registration remains un erased, or in any other matter * than is in this act provided, but if in the event of any revision of any general registration in any portion of the city and county of New York, any person shall present himself before any board of registration for the purpose of being registered as a voter, and it shall appear that the name of such person is borne upon the registry of any election district other than that in which he shall at the time of such revision make application for registration, and that since the day of the preceding election or registration he has removed from the district in which he was then registered to the district in which he shall, at the time of any such revision, apply for registration, and it shall also * appear that there is no meeting of the board of inspectors in the district in which his name shall be borne upon the registry for the purpose of revision, then, and in such event the oath of removal may be made before any member of the board of inspectors in any district to which he shall have removed, and the person so appearing at any such revision of registration shall be entitled to all the rights and privileges to which he would be entitled were the registration a general registration and the said person making an original application for registration.

Oath of removal, before whom made.

Statement of result, inspectors to make, &c.

§ 3. When the canvass of the ballots found in any box shall have been completed and public proclamation made, as provided by law, the inspectors shall deliver to a patrolman on duty at the polling places a statement subscribed with their names, which shall be forthwith conveyed by the said patrolman to the station-house of the precinct where the polling place is located, and the captain or sergeant in charge shall immediately transmit, by telegraph or otherwise, the result of such statement to the superintendent of police. Such statement shall contain the total number of votes in such ballot-box, and the number of votes found therein for each and every candidate. The captain or sergeant in command shall immediately deliver said statement to the chief of the bureau of elections, whose duty it shall be to file and preserve the same.

Statement to be delivered to chief of bureau of elections.

Chap. 622.

AN ACT to authorize the Cannon street Baptist church in the city of New York, to sell certain lands in the city of Brooklyn, formerly used for cemetery purposes, and to perfect title in the purchasers thereof.

Passed June 8, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The corporation of the Cannon street Baptist church, in the city of New York, are hereby authorized to sell and convey, for other than cemetery purposes, all their right, title and interest in and to all that certain tract, piece or parcel of land situate, lying and being in the city of Brooklyn, county of Kings, and State of New York, bounded westerly by Humboldt street, late Smith street, southerly by Withers street, easterly by Bushwick avenue, and northerly by Frost street, with the streets in front to the center of the same, pursuant to the provisions of section two of this act.

Convey-
ance of
lands an-
thorized.

§ 2. For the purpose of perfecting title to said grounds in the purchaser or purchasers thereof, the said church incorporation may proceed, as is provided in sections two to nine, both inclusive, of chapter four hundred and twenty-nine of the session laws of eighteen hundred and sixty, entitled "An act to authorize the Methodist Episcopal churches, therein named, to sell certain lands in the city of Brooklyn, formerly used for cemetery purposes, and to perfect title in the purchasers thereof," passed April sixteen, eighteen hundred and sixty, which said several sections of said act are hereby made applicable to the aforesaid lands, and to said Cannon street Baptist church, as holding the fee thereof, with the same effect as is provided with respect to the five Methodist Episcopal churches named in said act; excepting the terms of said act referring to said churches are to be read as in the singular number; excepting if said lands are sold at public auction, such sale may be made at some public place within the city of Brooklyn; excepting as to the several notices required to be published of application for the appointment of commissioners, and of their sittings, and report the publication thereof in one daily newspaper published within the city of Brooklyn, will be a sufficient publication within the purposes of said act.

Title, how
perfected.

Manner
and place
of sale.

§ 3. This act shall take effect immediately.

Chap. 623.

AN ACT to amend an act entitled "An act to revise and consolidate the laws in relation to the village of Geneva, in the county of Ontario," passed March third, eighteen hundred and seventy-one.

Passed June 9, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of title one of an act entitled "An act to revise and consolidate the laws in relation to the village of Geneva, in the

county of Ontario," passed March third, eighteen hundred and seventy-one, is hereby amended so as to read as follows :

Village
bound-
aries.

§ 1. The tract of territory at the foot of Seneca lake comprised within a square, bounded on the east by the new pre-emption line ; on the north by the center of the turnpike road and the center of the road passing in front of the dwelling of Reuben S. Torrey ; on the west by the west line of the eight acre lots, and by a continuation thereof in the same direction until it intersects the said north boundary ; on the south by a line running east and west of a distance of one mile south from the south end of the Pultney or park square in Geneva ; together with all the lands heretofore taken by the trustees of the village of Geneva for cemetery purposes, known as Glenwood Cemetery, situate, lying and being south of and adjacent to the said south line above-mentioned, shall hereafter be known by the name of the " Village of Geneva," and the territory together with the inhabitants residing therein, shall be a corporation by the name of " The Trustees of the Village of Geneva," and are hereby declared to be vested with and in possession of all the estate, real and personal, rights, privileges and immunities which (at the time of the passage of this act) appertain and belong to the said village of Geneva.

Corporate
name.

§ 2. Section three of title four of said act is hereby amended by adding at the end thereof the following :

Vouchers
to be de-
livered to
trustees.

And all vouchers for moneys paid out by the treasurer during the year preceding the annual tax meeting, shall be by him, within five days after the adjournment of such tax meeting, delivered to the board of trustees, who shall cause the same to be filed in their office.

§ 3. Section one of title five of said act is hereby amended by adding at the end thereof the following words :

Police
justice,
his juris-
diction.

The police justice shall have concurrent jurisdiction with justices of the peace of all criminal matters within the town of Geneva, of which the justices of the peace and courts of special sessions thereof now have or shall have jurisdiction within the towns of this State.

§ 4. Section two of title five of said act is hereby amended by adding at the end thereof the following :

Police
constables
and extra
police or
night
watch-
men, their
powers.

The said police constable and said extra police or night watchmen shall have power and authority respectively to arrest any person or persons by them found violating any of the penal ordinances or by-laws of this corporation, and to take such person or persons before the police justice, to be dealt with the same as if such person or persons had been arrested upon warrant or civil process theretofore duly issued by such justice.

§ 5. Section one of title six of said act is hereby amended so as to read as follows :

Annual
tax meet-
ing, when
to be held.

§ 1. The annual tax meeting of the tax-payers of the village of Geneva shall be held on the third Tuesday of May, commencing at ten o'clock, A. M. At least two weeks before said meeting the board of trustees shall carefully examine into and determine the amount of money that will be needed for properly carrying out the provisions of this charter, and to carry on the village government for the next year, and shall make a tabular statement of such amount, and of the separate purpose and object for which such expenditure is calculated to be made, stating such object or purpose and the amount needed therefor. They shall also carefully examine the streets of said village, and shall determine and fix upon an aggregate amount that in their judgment will be needed to keep said streets in good repair for the next year. The board of trustees shall also prepare a statement of the money on hand

State-
ments to
be made
and pub-
lished by
the trust-
ees.

at the commencement of the previous year (as stated in the account of the year previous to that as cash on hand), of all moneys received by them under any by-law, or in any way in or by virtue of their official capacity, and the sources from which received, of all moneys expended by them and the objects for which expended, and showing the balance on hand on the last day of April previous to such tax meeting. Said last statement of receipts and expenditures shall be signed by a majority of the board of trustees, and verified under an oath or affirmation by the clerk and treasurer to be correct. They shall publish both such statements in the village papers at least one week before said meeting, and shall, in connection therewith, and at the same time, state the place where, within said corporation, said annual tax meeting shall be held. Said tax meeting shall elect a committee of three citizens to examine the above sworn accounts of the receipts and expenditures when made out, and the vouchers therefor, and said committee shall report thereupon to the tax meeting to which said accounts are presented, before any other business after organization. At and after the next annual tax meeting after the passage of this act, the said tax meeting shall elect a committee of three citizens to examine such accounts for the next ensuing year, and said committee shall, within one week before the tax meeting to which they are to report and before the said tax meeting, examine the above accounts and the vouchers therefor, and said committee shall be prepared to report thereon and shall report thereon as early as may be after organization. It shall be the duty of the board of trustees and all officers to allow said committee to examine any and all books and vouchers of this corporation. The aggregate amount reported for street expenses shall be voted on as a whole. Its amount may be decreased by a vote of the meeting, but cannot be increased, and said sum thus voted shall be applied in repair of the streets under the discretion of the board of trustees. The meeting may also vote a tax for any of the objects specified in said report of the board of trustees, published, and shall vote upon all expenditures proposed by the board of trustees. After all the proposed expenditures of the trustees, as published, are voted upon, then the tax meeting may vote upon any other proposed expenditure for any particular object proposed, provided notice of said proposed expenditure be given in the village papers, as herein required of the board of trustees. The trustees are empowered and authorized to raise money by tax to pay all contingent and stated expenses of this corporation, and also to carry into effect the several powers and privileges granted by this act; but no tax (except for the salaries of officers fixed by this act, or by by-law) shall be levied or collected, until, or unless the same shall have been authorized by a vote of the taxable inhabitants at the annual tax meeting, or at a special tax meeting of the taxable inhabitants called for the purpose of authorizing the assessment and collection of taxes; and the said contingent and stated expenses shall be presented to such tax meeting in items specifically, and shall be voted on item by item; and no contingent expenses not thus voted upon shall be collected, and no part of money voted for any one purpose can be used for any other; and, if not used as voted, shall remain as part of the unexpended balance in the treasury and reported as such. But the amount of taxes to be raised in any one year, over and above street expenses, salaries fixed by this charter or by by-laws, shall not exceed one per cent. of the assessed valuation of the said village for the year eighteen hundred and seventy-two. Any balance in the treasury of this village, not expended

Committee to examine accounts and report thereon.

Books and vouchers.

Voting upon proposed taxes and expenditures.

Upon other expenditures.

Authority of trustees to raise money by tax.

Contingent and stated expenses, how to be presented to tax meeting, &c.

Limit of taxes.

Balance, how disposed of. for the purposes voted, may be disposed of and applied to other purposes by a vote of the annual tax meeting.

§ 6. Section four of title six of said act is hereby amended by adding at the end thereof the following:

Re-taxation, property how described. Upon any re-taxation or re-assessment, in cases where any individual shall have refused or neglected to pay his tax of any former year, as above provided, the property retaxed or re-assessed shall be definitely described in the assessment roll.

§ 7. Section two of title seven of said act is hereby amended by adding at the end thereof the following words:

Local improvement, notice of. Before any local improvement is made, as above provided, the board of trustees shall cause notice of the same to be published in one or more of the village papers for at least three weeks. Objections to confirming the determination and assessment of the commissioners as above provided may be made also by any tax-payer of said corporation or village, in the same manner as person or persons immediately interested.

§ 8. Section six of title nine of said act is hereby repealed.

§ 9. The said act is hereby amended by striking out the words "town of Seneca," wherever the same occur in said act, or in any amendments thereof, and inserting instead thereof the words "town of Geneva."

§ 10. This act shall take effect immediately.

Chap. 624.

AN ACT to amend the several acts incorporating the village of Oswego Falls.

Passed June 9, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Repeal. SECTION 1. Sections one, seven, eight, nine and ten of the act passed March twenty-second, eighteen hundred and seventy-three, entitled "An act to amend an act entitled 'An act to incorporate the village of Oswego Falls,' passed March twenty-second, eighteen hundred and sixty-six, are hereby repealed.

§ 2. Section four of the act entitled "An act to incorporate the village of Oswego Falls," passed March twenty-second, eighteen hundred and sixty-six, is hereby amended so as to read as follows:

Village officers. § 4. The officers of said village shall consist of a president, five trustees, a police justice, one assessor, one treasurer, one collector, one clerk, one street commissioner, one or more policemen, one jailer, and such subordinate officers as are authorized by this act or by general laws.

§ 3. Section five of said act is hereby amended so as to read as follows:

Officers to be appointed. § 5. The clerk, street commissioner, policemen and jailer shall be appointed by the trustees and shall hold their offices during the pleasure of the trustees. The police justice shall be a justice of the peace of the town of Granby, residing in said village, and he shall be designated and appointed as such police justice by the trustees, and shall hold said appointment during his term of office as such justice of the peace. All other officers hereinbefore enumerated shall be elected at

To be elected.

elections to be held as hereinafter prescribed, and shall hold their office for one year, and until others are elected and qualified by taking and filing the prescribed oath of office.

§ 4. Section eleven of said act is hereby amended so as to read as follows:

§ 11. The annual meeting, in addition to the election of officers, may pass such resolutions as may be deemed proper, instructing the trustees in the discharge of their duties, and they shall be bound by such instruction so far as they are within the powers conferred by this act on such meeting or on the trustees. The meeting shall also determine the sum to be raised by general tax upon the taxable property of the village, for the ordinary expenses of the village. The meeting shall also determine the sum to be raised by general tax upon the taxable property in the village for highway purposes. The failure of such meeting to determine the sum shall be deemed the adoption of the sum which was so raised for those purposes the last preceding year.

Annual meeting, resolutions of.

Tax for ordinary expenses, &c.

§ 5. Subdivision seventeen of section twenty-eight of said act is hereby amended so as to read as follows:

17. To exercise the powers and duties of commissioners of highways of towns within the limits of the village so far as those powers and duties are consistent with other parts of this act, and are applicable to the village, to direct the improvement of the highways in such places within the village as they may deem best, also to direct the application of a part of the sum raised for highway purposes, not exceeding ten per cent. in any year, to the grading of the public grounds, making and repairing walks, and to planting and protecting trees thereon. Every bridge over the Oswego river, or any part of said river, within the bounds of said village, together with the abutments, structures and embankments connecting such bridge with the bank of said river and with the roads or streets on said bank, is excepted and excluded from the provisions of this act. All such bridges, abutments, structures and embankments shall remain subject to the care, control, keeping and management of the commissioners of highways of the town of Granby as heretofore and now provided by law; and the said village of Oswego Falls shall be subject to taxation for its proportionate share of the expenses of the town of Granby, in maintaining such bridges, abutments, structures and embankments, or for any new bridge over said river or to form its connections with the roads or streets in said village.

Board of trustees, to exercise the powers, &c., of commissioners of highways.

Bridges over Oswego river excepted.

Taxation.

§ 6. Section forty-five of said act is hereby amended so as to read as follows:

§ 45. The trustees shall, within sixty days after the annual meeting, direct the assessor to assess upon the taxable inhabitants and property liable to assessment and taxation in the village, such sum as they may deem necessary besides funds received and estimates to be received from other sources to defray the ordinary expenses of the village for the current year, not to exceed the amount allowed for that purpose by the annual meeting; also, the sum required for highway purposes for the current year, not to exceed the amount allowed for that purpose by the annual meeting; also, any sum directed to be raised for a special purpose, and which, under this act, can be raised in that year.

Annual assessment for ordinary expenses.

For highway and special purposes.

§ 7. Sections forty-nine, fifty and fifty-one of said act are hereby repealed.

§ 8. Section fifty-two of said act is hereby amended so as to read as follows:

Street commissioner, his duties. § 52. It shall be the duty of the street commissioner to keep in good repair and condition all the streets and highways within the boundaries of the village, subject to the direction of the trustees, as herein provided, and to superintend personally the work done and to make return on oath to the trustees as often as required and at least once in each month, showing the amount of money paid out, to whom and for what purpose, the amount of work, the kind of improvement, and when and on what street expended. The said trustees shall thereupon, if said return shall be found correct, audit and allow the same, and an order shall be issued for the amount found due, to be paid to the order of the said street commissioner out of the amount raised for highway purposes.

Monthly account.

Auditing thereof.

§ 9. Section fifty-three of said act is hereby amended so as to read as follows:

Highway labor, assessment and collection of.

§ 53. Each male inhabitant of the age of twenty-one years, or over, residing in said village shall be assessed two days' labor on the highways within said village, which assessment shall be made by the trustees of said village and collected by the said street commissioner in the same manner as such assessments are made by the commissioners of highways of the town of Volney, and the said street commissioner shall have the same powers to collect the same as are possessed by overseers of highways of towns, except that any person may commute therefor by paying to the collector of said village the sum of one dollar.

Commutation.

§ 10. Section fifty-four of said act is hereby amended so as to read as follows:

Street commissioner, his compensation.

§ 54. The compensation of the street commissioner shall be determined by the trustees at a specified sum for each day actually spent in the discharge of his duties, to be stated by him on oath with his returns, and shall be audited by the trustees and allowed by them and paid out of the sum raised for highway purposes.

§ 11. Section fifty-six of said act is hereby amended so as to read as follows:

Taxes and assessments, how collected.

Collector, his powers.

His bond, and mode of proceeding.

§ 56. All taxes levied and assessments made under this act may be collected under a warrant for that purpose, to be issued by the trustees, to be returned to them within sixty days after the receipt thereof by the collector, with his certificate, showing his collections thereon. The collector shall be, and hereby is, vested with the same powers, and shall be entitled to the same compensation in respect thereto; and before entering upon his official duties shall execute a like bond, to be approved by the president of the village, as collectors of taxes in the town, and must proceed in the same manner, except as herein otherwise provided, and except that the notice of the times and places at which he will receive taxes required to be posted, shall also be published in the official paper of the village, if there be one; and he shall within the time fixed for the return of his warrant, pay over to the treasurer all moneys collected by him on account of such assessment; and if any shall remain uncollected the warrant may be renewed once and again for thirty days.

§ 12. Section sixty-two of said act is hereby amended so as to read as follows:

Police justice, how appointed.

§ 62. The police justice shall be a justice of the peace of the town of Granby, residing in the village, or if there be no justice of the peace residing in the village, then a justice of the peace residing near the village within said town of Granby, who shall, by resolution of the trustees, be appointed to the office of police justice of the village, and

shall hold said office during the remainder of his term of office as justice of the peace. Before entering upon the duties of said office of police justice, and within five days after being notified of his appointment thereto, he shall take and subscribe the usual oath of office and file the same in the office of the clerk of Oswego county, at which office his appointment shall be certified by the president and clerk of said village. He shall possess the same powers, except as herein otherwise provided and enlarged, and be subject to the same duties and liabilities in criminal cases as justices of the peace of the several towns in this State, and is hereby authorized and empowered to inflict punishment by fine not exceeding two hundred and fifty dollars, or imprisonment not exceeding one year, or both, and may, in his discretion, when the sentence of any person shall be for a time not less than three months, commit such person to the penitentiary of the county of Onondaga, providing the agreement authorized by section seven of chapter three hundred and thirty-eight of the laws of eighteen hundred and fifty, shall have been made by the board of supervisors of the county of Oswego, and be of force. He shall also have jurisdiction to try and shall proceed (without allowing bail to the grand jury) and try all persons brought before him accused of any crime of the grade of misdemeanor, or other crime not punishable by imprisonment in the State prison, but any such person shall have the right of trial by jury, as provided by courts of special sessions, if he shall demand the same. Said justice shall, in all things relating to the mode and manner of procedure in his court, and in arraignment or trial of parties accused, be governed by the same laws and rules as justices of the peace or courts of special sessions in towns, and he may, when in his judgment a complaint has been made before him without probable cause, impose the costs of the proceedings upon the complainant and enforce the collection thereof, as in other cases, and whenever it shall appear to the satisfaction of said police justice that the postponement of the trial of any person to be tried before him is necessary, he may postpone such trial to a day certain, and may, pending such postponement or adjournment, admit such person to bail. If the bonds so taken shall be forfeited by the non-appearance of the accused at the time fixed for such trial, the same may be prosecuted by and in the name of the supervisor of the town of Granby, and for the benefit of said town.

His term
of office.His official
oath.His pow-
ers and
duties.His juris-
diction in
misdemeanors.Mode of
proce-
dure.Postpone-
ment of
trial.

§ 13. Sections sixty-five, sixty-seven and sixty-eight of said act, passed March twenty-second, eighteen hundred and sixty-six, are hereby revived and declared to be of full force and effect.

Certain
sections of
former
act re-
vived.

Chap. 625.

AN ACT to amend an act entitled "An act to incorporate the village of Oneonta, Otsego county, New York," passed April twentieth, eighteen hundred and seventy.

Passed June 9, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of title one of an act entitled "An act to incorporate the village of Oneonta, Otsego county, New York," passed April twentieth, eighteen hundred and seventy, is hereby amended so as to read as follows:

Village declared a road district.

Trustees to have care of streets.

To make assessment of highway labor, when and how.

To make and deliver warrant to street commissioner.

To cause streets, &c., to be described and entered of record.

Notice to work.

Fine for neglect or refusal.

How collected.

§ 2. The present corporate village of Oneonta, Otsego county, New York, is hereby declared to be a separate road district, entirely under the control of the trustees of said village. The trustees of said village shall have the care and superintendence of the streets, avenues, highways and bridges therein; and it shall be their duty:

1. Within sixty days after each annual charter election of said village, they shall proceed to estimate and assess the number of days of highway labor to be performed during such year in said village, which shall be at least three times the number of taxable inhabitants in said village. Every male inhabitant of said village being above the age of twenty-one years (excepting ministers of the gospel and priests of every denomination, paupers, idiots and lunatics), shall be assessed at least one day each. The residue of each day's highway labor so far as possible, as follows, namely: Upon the estate, real and personal, of every inhabitant of said village, as the same shall appear by the last assessment roll of said village; upon each tract or parcel of land, of which the owners are non-residents, contained in said assessment roll; upon corporations and associations of every kind which are assessed in said assessment roll; upon the estate, real and personal, liable to taxation, of every inhabitant of said village, which shall not appear on said assessment roll; upon each tract or parcel of land liable to taxation, of which the owners are non-residents, not included in said assessment roll; upon corporations and associations of every kind liable to taxation in said village, not appearing in said assessment roll; upon accessions or valuable improvements made to real estate in said village, since the completion of the last assessment roll, liable to taxation; and upon acquisition of personal estate to an inhabitant of said village, which is liable to taxation.

2. To make out a warrant, subscribed by a majority of said trustees, sealed with the corporate seal of said village and directed to the street commissioner of said village. Said warrant shall be annexed to said highway labor assessment, and directing and empowering said commissioner to cause the several persons, corporations and associations whose names appear in said highway assessment, to labor on the streets, avenues, highways, walks and bridges in said village, the number of days set opposite their names, or commute therefor at such sum as said trustees shall have, by resolution, fixed for a day's assessment, not exceeding one dollar and fifty cents per day.

3. To cause such of the streets, avenues and highways in said village as shall have been heretofore laid out, but not sufficiently described, and such as have been used for twenty years, but not recorded, to be ascertained, described and entered of record in the office of the clerk of said village.

§ 2. It shall be the duty of the street commissioner of said village to give all persons, corporations and associations assessed to work on the highways therein, the same notice, as to time and place, as is imposed by statute upon overseers of highways. Every person, corporation and association so assessed and duly notified, who shall not commute, and shall refuse or neglect to appear pursuant to such notice, shall forfeit for every day's refusal or neglect the sum of one dollar and fifty cents. Said commissioner shall, within six days after such refusal or neglect, if no satisfactory excuse is offered, make complaint thereof to one of the justices of the peace of the town of Oneonta, to collect the fine of one dollar and fifty cents for each day's refusal or neglect. Upon said complaint being made, all subsequent proceedings before such justice of

the peace, shall be the same as in like cases upon complaint made by overseers of highways.

§ 3. This act shall take effect immediately.

Chap. 626.

AN ACT to amend an act entitled "An act to incorporate the city of Newburgh," passed April twenty-second, eighteen hundred and sixty-five, and the several acts amendatory thereof.

Passed June 9, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section nine of title three of an act entitled "An act to incorporate the city of Newburgh," passed April twenty-second, eighteen hundred and sixty-five, as amended May sixth, eighteen hundred and seventy-two, is hereby further amended as follows, by adding and inserting after subdivision thirty-four in said section nine a new subdivision, thirty-five, as follows :

35. The common council shall have power to award contracts for cleaning privy vaults, and doing any other scavenger's work, on such terms as they shall deem most advantageous, and for a term of not less than three nor more than five years, such work to be done upon such system and such mode, and in all respects subject to such regulations as the board of health may direct and prescribe.

The common council may award contracts for scavenger work.

§ 2. Section eleven of title four of said act, as amended May sixth, eighteen hundred and seventy-two, is hereby further amended so as to read as follows :

§ 11. The collector of taxes and assessments in the city shall perform the duties and be subject to the liabilities and obligations prescribed by law for town collectors, subject to the provisions of this act, and he shall keep his books in such manner as the common council may prescribe ; and all taxes and assessments to be collected within the limits of the city shall be collected by him. The collector hereafter elected shall hold his office for three years, and shall collect and pay over to the city treasurer all fees authorized and directed to be collected by him in and by any warrant issued to him for the collection of taxes or assessments, and he shall receive annually for his services the sum of fifteen hundred dollars, and he shall attend at a place furnished by the common council, at least six hours each day during each year, Sundays and legal holidays excepted. Immediately upon the expiration of the time limited in any warrant issued to him for the collection of any tax or assessment, said collector shall report and make return to the common council under oath, stating the several amounts by him collected, and of whom collected, the payments of the moneys so collected, and to what officer with his vouchers therefor, and the several amounts of taxes or assessments which have not been collected by him and remaining unpaid ; and said common council, upon such report being received and accepted by them, shall order and direct the several items of unpaid taxes or assessments contained therein to be entered by said collector in a book provided by said common council, and to be kept by him in his office, upon the first column of which shall be docketed and entered alphabetically the names of the persons against whom the unpaid taxes

Collector of taxes, his duties and liabilities.

His term of office.

His compensation.

When to make return.

Unpaid taxes to be entered.

or assessments are levied or assessed; upon the second column the date of the warrant; upon the third column the date of the return day of the warrant; upon the fourth column a brief description of the property in respect to which the tax or assessment was made; upon the fifth column the object and nature of the tax or assessment, and upon the sixth column the amount of the taxes or assessments, with the fees specified in said warrant added thereto, which book shall also contain a seventh, upon which said collector shall enter the date when such amount shall be paid to him; and said common council shall also cause to be docketed and entered in such book in the manner above provided all taxes and assessments so remaining unpaid at the time of the passage of this act. All taxes and assessments so entered upon such book shall bear twelve per cent. interest from the date of the original warrant authorizing the collection of the same, and such tax or assessment and interest thereon at the rate aforesaid, together with the fees for collecting the same specified in such warrant, may be sued for and recovered by the city against any person liable therefor, except as otherwise provided in this act; and said collector shall report to said common council at each monthly meeting thereof, all moneys collected by him on such docket, and shall pay over the moneys so collected to the city treasurer.

Interest thereon.

Suit may be brought for.

Renewal of warrant.

Additional fees.

After the time limited in any warrant for the collection of any tax or assessments shall have expired, the common council may by resolution authorize the collector for a period not exceeding ninety days from the passage of such resolution, to charge five per cent. additional, as fees, on all taxes or assessments mentioned therein, which may be thereafter collected by him, and to retain such fees on such sums so thereafter collected to his own use.

§ 3. Section six, title six of said act, as amended May sixth, eighteen hundred and seventy-two, is hereby further amended so as to read as follows:

Application to lay out, pave, grade, &c., streets, or construct sewers.

§ 6. No application to lay out, open, alter, widen, contract, extend, discontinue, level, pave or grade any street, lane or highway, or construct or rebuild any sewer (except in the cases hereinafter mentioned), in any other part of the city than east of the east line of Water street therein, and excepting, also, South Water street, south of First street, in said city, shall be entertained, or in any manner acted upon, by the common council of said city, unless the person or persons making such application shall own at least one-third of the number of feet fronting on both sides of the proposed improvement. But whenever the board of health of said city, by resolution duly passed by said board, shall request the common council to order the construction or rebuilding of a sewer through or in any part of any street, lane or highway of said city, to be designated in said resolution, on the ground that the same is necessary as a sanitary measure, then the common council is hereby authorized to order and direct the same to be done, without requiring the application therefor, as in this section first above provided.

Construction or rebuilding of sewers as sanitary measure.

§ 4. Subdivision five of section two of title ten of an act entitled "An act to incorporate the city of Newburgh," passed April twenty-second, eighteen hundred and sixty-five, is hereby amended so as to read as follows:

Water-rents, commissioners to determine amount of.

5. The commissioners shall determine the amounts of water rent to be paid for water used in the erection of new buildings and by hotels, factories, stables, breweries, mills, foundries and other buildings, establishments and trades, which consume extra quantities of water; which amounts shall be paid to the water commissioners on demand by the

owner or occupant of the property upon which such water shall be consumed, and all monies so received shall be paid over to the city treasurer. In default of payment on demand one per cent. shall be added for each and every period of thirty days which shall expire after such demand, until the amount is paid; and the water rents thus determined by the water commissioners together with the said one per cent. for each thirty days after demand shall constitute a lien on the property upon which such water shall be used, to be collected by sale of such property, in the same manner as provided hereinbefore for the collection of taxes and assessments for city purposes: and the said water commissioners may also have and maintain an action for the recovery thereof against the owner or occupant of such property.

Default in
payment,
effect of.

Lien.

How en-
forced.

Action
for.

§ 5. This act shall take effect immediately.

Chap. 627.

AN ACT to amend an act entitled "An act to amend the charter of the village of Johnstown," passed March thirtieth, eighteen hundred and sixty-seven.

Passed June 9, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter two hundred and thirty-one, title two, section four of an act entitled "An act to amend the charter of the village of Johnstown, and the several acts amendatory thereof, and to extend the boundaries of said village," is hereby amended so as to read as follows:

§ 4. And the annual election shall be held thereafter on the first Tuesday of March in each year. Annual election.

§ 2. Title three, section eighteenth, clause seven of said act is hereby amended so as to read as follows:

7. To examine, as often as they may deem proper, the book, vouchers and accounts of the treasurer, and see that they are properly kept; and it shall be the duty of the trustees, during the month of February in each year, to examine all the accounts of said treasurer for the year next preceding the first day of February, and compare the several sums paid by said treasurer with the amounts ordered to be paid by the trustees. Trustees to examine treasurer's books, &c.

§ 3. Section twenty, title three, of said act is hereby amended so as to read as follows:

§ 20. It shall be the duty of the president, on or before the fifteenth day of February in each year, to prepare a statement showing the financial condition of the corporation; of all moneys received in the last-mentioned year, and from what source were so received; the several payments out of the village treasury during the last-mentioned year, and for what purpose, or on what account the same was paid; the balance in the treasury on that day; of all outstanding debts and liabilities of the corporation of that year, and of all money received from license for the sale of intoxicating liquors or otherwise; the amounts of claims audited in the last year; and to show the balance due the corporation, if any, or its indebtedness in as clear and concise a statement as possible. When such statement shall be thus prepared the same shall be submitted to the board of trustees and shall be pub- Annual financial statement, president to make.

To be sub-
mitted to
trustees

and published.

lished in one or more newspapers printed in said village before the annual election next thereafter.

§ 4. Section forty-two, title four, of said act is hereby amended so as to read as follows :

Annual assessment, when trustees to make, &c.

§ 42. The trustees shall, on or before the fifteenth day of April in each year, engage in making the annual assessment of real and personal property in said village, ascertain and make a list, subscribed by them, of all names of the inhabitants of said village who are liable, under the law of the State, to work on highways, and the trustees of said village shall have power to assess said inhabitants, and the real and personal property in said village annually, such an amount, denominated street tax, as they shall deem necessary, not exceeding the sums hereinafter specified, which street tax shall be assessed as follows: Each male inhabitant of the age of twenty-one years and upward, except paupers, idiots and lunatics, shall be assessed one dollar, and the balance shall be assessed upon and among persons owning or occupying property and estate, real and personal, incorporated companies, banks and banking associations in said village, according to the value of their real and personal estate in said village liable to taxation, not exceeding the sum or rate of one-half of one cent per each dollar valuation. The street taxes thus assessed shall be collected by the village collector, under the warrant of the trustees, in the same manner in all respects, and for the same fees, as other taxes assessed in said village, and shall be paid over in like manner to the village treasurer, and all provisions of this act shall apply to such street tax as fully as to any other tax assessed in said village.

Street tax, how assessed.

How collected and paid over.

§ 5. Title two, section three of said act is hereby amended so as to read as follows :

Elective officers and their term of office.

Officers to be appointed.

§ 3. The elective officers of said village shall be the president, the treasurer, the police justice and the trustees, all of whom shall hold their offices for two years. All the other officers of said village shall be appointed by the trustees and shall hold their offices during the pleasure of the board. The president and trustees shall be residents and freeholders in said village, and the treasurer and the police justice shall be residents within said village.

§ 6. Title fifth, section sixty of said act is hereby amended so as to read as follows :

Trustees, their powers as to streets, sidewalks, planting of trees, &c.

§ 60. The said trustees shall have power to establish the grades and width of all streets, lanes, alleys, highways and sidewalks in said village, and cause the same to be made and repaired in conformity thereto, to compel the owner or occupant of any premises in said village, after giving twenty days' notice to such owner or occupant, in writing, to set out and plant shade and ornamental trees along the sidewalks, and to cause the owner or occupant to remove any such trees which shall be an obstruction to any sidewalk; and in case of his neglect or refusal so to do, they shall have power to cause the same to be done at the expense of such owner or occupant.

Repeal.

§ 7. All acts and parts of acts inconsistent or conflicting with this act is hereby repealed.

§ 8. This act shall take effect on the first day of July, eighteen hundred and seventy-four.

Chap. 628.

AN ACT to amend an act entitled "An act for the incorporation of villages," passed April twentieth, eighteen hundred and seventy.

Passed June 9, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section thirty-two of title eight of chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages," is hereby amended so as to read as follows :

§ 32. All other general acts and laws of this State for the general incorporation of villages are hereby repealed, as to the future incorporation of villages, except sections ninety and ninety-one of chapter four hundred and twenty-six of the laws of eighteen hundred and forty-seven, which sections shall form a part of this act, and shall apply to all villages already incorporated or which may hereafter be incorporated under this act. In case there shall be any village which has been incorporated under a general act or acts for that purpose, such act or acts shall continue to be of effect as to such villages so incorporated until they may become incorporated under this act; and after their becoming so incorporated, shall cease to be operative as to such village, except as controlled by the provisions of this act. Repeal.
Excep-
tion.

§ 2. Section three of title two of the act entitled "An act for the incorporation of villages" passed April twentieth, one thousand eight hundred and seventy, is hereby amended so as to read as follows :

§ 3. The president, treasurer, collector and one-half of the trustees, if an even number, shall be elected annually by the electors of the village, and, if an odd number the smallest majority of them shall be so elected at one annual election, and the largest minority of them shall be so elected at the next annual election. At the annual election in the year one thousand eight hundred and seventy-five, the ballots shall designate which of the trustees therein named shall hold office for one year, and which for two years. The clerk and street commissioner shall be appointed annually by the board of trustees. Officers to
be elected
annually.

Ballots.

Officers
to be ap-
pointed.

§ 3. Section five of title two of the said act is hereby amended so as to read as follows :

§ 5. All officers elected or appointed under this act shall hold their respective offices one year, except the trustees elected for two years, who shall hold their offices for two years; and the said officers shall so hold for the respective terms aforesaid unless sooner removed or disqualified, and until their successors shall be elected or appointed and qualified. Term of
office.

§ 4. This act shall take effect immediately.

Chap. 629.

AN ACT to amend an act entitled "An act to incorporate the Buffalo Safe-Deposit Company," passed June seventh, eighteen hundred and seventy-three.

Passed June 10, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of an act entitled "An act to incorporate the Buffalo Safe-Deposit Company," passed June seventh, one thousand eight hundred and seventy-three, is hereby amended so as to read as follows:

Capital stock.

Commissioners to open books for subscriptions.

Corporation, when to commence business.

§ 3. The capital stock of said corporation shall be one hundred thousand dollars, divided into two thousand shares of fifty dollars each. And the persons named in the first section of this act, as corporators, shall be commissioners, whose duty it shall be, within a reasonable time after the passage of this act, on such day and in such place in the city of Buffalo as they or a majority of them shall appoint, giving at least fourteen days' notice thereof in two or more newspapers published in said city, to open books for the purpose of receiving subscriptions, and keep the same open until the whole of said stock shall be subscribed for and taken up; and the said corporation shall not commence business until twenty-five per cent. of said capital stock shall have been subscribed and paid in.

§ 2. This act shall take effect immediately.

Chap. 630.

AN ACT to incorporate the Teutonia Savings Bank of Brooklyn.

Passed June 10, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporators.

Corporate name and business location.

First trustees.

SECTION 1. Mathias J. Petry, Martin Ibert, John A. Saal, Henry Edw. Roeche, Charles Bethon, Charles Chr. Wagner, Henry Kiefer, John H. Schermann, Jeremiah Y. Meserole, J. M. Rudiger, Moses May, Louis Braun, Valentine Lehman, Joseph Fuchs, Franz Pfeifer, Herman Heesberg, John R. Jurgens, Otto Huber, Simon Moog, Carl Eisner, George Luthringshausen, Carl Meier, William Stahlmann, Frederick Stroebel, John Freitag, Christoph Miller, Charles Keihl, Louis Worth and Michael J. Gaffney, and their successors, shall be and they are hereby constituted a body corporate and politic, by the name of the Teutonia Savings Bank of Brooklyn, to be located in the sixteenth ward of the city of Brooklyn, county of Kings, and by that name shall have perpetual succession, and may sue and be sued in any of the courts of this State.

§ 2. The persons named in the first section of this act shall be the first trustees of the said corporation, and all vacancies in the office of trustee shall be filled by the board, by ballot, without unnecessary delay, and the vote of a majority of the remaining members of the board shall be necessary to elect a trustee.

§ 3. The business of the said corporation shall be managed and directed by said board of trustees, who shall elect from their number a president and two vice-presidents, and may elect from their number, or otherwise, such officers as they may deem expedient; and the vote of a full board of trustees shall be requisite for the appointment of any officer receiving a salary therefrom, or to fix or to increase the salary of any officer; but such majority shall be composed exclusive of any trustees receiving any salary or compensation for services as officers of said corporation.

Board of trustees to elect president, &c.

§ 4. No trustee shall, directly or indirectly, receive any pay or emolument for his services, and no trustee, officer or * said corporation shall, directly or indirectly, for himself, or as the agent or partner of others, borrow any of the funds of the said corporation, or its deposits, or in any manner use the same, or any part thereof, except to make necessary current payments, or to make investments, or to deposit for safety, under the direction and by authority of the board of trustees; nor shall any trustee, officer or servant of said corporation be an indorser or surety, or in any manner be an obligor, for moneys loaned by or borrowed of the corporation.

Trustees not to receive pay or borrow of corporation.

Trustees, officers or servants not to be surety.

§ 5. A quorum of said board of trustees shall consist of not less than five, of whom the president or one of the vice-presidents shall be one; and it shall be lawful for the trustees, in their by-laws, to provide for a larger quorum; but less than a quorum shall have power to adjourn from time to time, or until the next regular meeting.

Quorum.

§ 6. A regular meeting of the board of trustees shall be held once in each month, to receive the reports of their officers, and transact such other business as may be necessary; and the trustees may, in their by-laws, provide for calling special meetings; and any trustee omitting to attend the regular meetings of the board for six months, unless previously excused by a vote of the board, shall thereby vacate his office as trustee, but may, in the discretion of the board, be eligible to a re-election.

Monthly meeting.

Special meeting.

§ 7. The board of trustees of said corporation shall have power, from time to time, to make such by-laws, rules and regulations as they may think proper for the election of officers, for prescribing their respective powers and duties, and the manner of discharging the same, for the appointment and duties of committees, and generally for transacting, managing and directing the affairs of the corporation; provided such by-laws, rules and regulations are not repugnant to nor inconsistent with the provisions of this act, the Constitution and laws of this State or of the United States.

By-laws.

§ 8. The general business and object of the corporation hereby created shall be to receive on deposit any sum or sums of money that may be offered for that purpose by any person or persons, or by any religious or charitable corporations or societies, and to invest the same, and declare, credit and pay dividends or interest thereon, as hereinafter authorized, and not otherwise; and all certificates or other evidences of deposit, made by the proper officer of said corporation, shall be as effectual to bind the corporation as if executed under the common seal thereof.

Business and object.

Certificates, &c., binding.

§ 9. It shall be lawful for the trustees of the corporation to invest the moneys deposited with them, and the gains or profits thereof, only as follows, namely:

Deposits, how to be invested.

In U. S.
bonds.

1. In the stocks or bonds, or interest-bearing notes or certificates of the United States.

State
bonds.

2. In the stocks or bonds, or evidences of debt bearing interest, of this State.

City, town
or county
bonds.

3. In the stocks or bonds of any city or county of this State, issued pursuant to the authority of any law of this State.

Bonds and
mort-
gages.

4. In bonds secured by mortgages on improved, unincumbered and productive real estate, situate in this State, worth at least twice the amount loaned thereon; but not to exceed forty per cent. of the assets of the corporation shall consist of such bonds and mortgages.

Real es-
tate, pow-
er to pur-
chase,
hold and
convey.

5. It shall be lawful for the corporation to purchase, hold and convey real estate only as follows: 1. A lot and banking-house requisite for the transaction of its business, and for an income from such portions of the same as are not required for its own use. 2. Such as shall have been purchased at sales upon statute or other foreclosures of mortgages owned by the corporation, or upon judgments or decrees obtained or rendered for debts due; and all such real estate as is described in the last two preceding clauses shall be sold by the trustees within five years after the same shall be vested in the corporation, unless, upon application by the trustees, the Superintendent of the Banking Department shall extend the time within which such sale shall be made.

When
personal
security
shall be
required
of borrow-
ers.

§ 10. In all cases of loans upon real estate, a sufficient bond or other personal security shall be required of the borrower, and all the expenses of searches, examinations and certificates of title or appraisals of value, and of drawing, perfecting and recording papers, shall be paid by such borrower.

Buildings,
when to
be insured
by mort-
gages,
&c.

§ 11. Whenever buildings are included in the valuation of any real estate, upon which a loan shall be made by said corporation, they shall be insured by the mortgagor for at least two-thirds their value, in such company of this State as the trustees shall direct, and the policy of insurance shall be duly assigned to the corporation; and it shall be lawful for such corporation to renew such policy of insurance, in the same or in any other company of this State, as they may elect, from year to year, or for a longer or shorter term, in case the mortgagor shall neglect to do so, and may charge the same to him. And all the necessary charges and expenses paid by said corporation for such renewal or renewals shall be paid by such mortgagor to the said corporation, and shall be a lien upon the property so mortgaged until paid.

Renewal
of policy.

Expenses
thereof a
lien.

Corpora-
tion not to
deal or
trade.

§ 12. It shall be unlawful for the said corporation, directly or indirectly to deal or trade in real estate in any other case, or for any other purpose than as authorized in the ninth section of this act, or to deal or trade in any goods, wares, merchandise or commodities whatever, except as authorized by the provisions of this act, and except such personal property as may be necessary in the transaction of its business.

Corpora-
tion may
loan tem-
porarily.

§ 13. It shall be lawful for the trustees of the corporation, while awaiting opportunity for the judicious investment of the moneys deposited with them, as authorized and required by this act, to loan the same, or any part thereof, upon the securities mentioned in section nine of this act, but not exceeding ninety per cent. of the cash market value of such securities shall be loaned thereon; and should any securities depreciate in value after making a loan thereon, it shall be the duty of the trustees to require the immediate payment of such loan, or a part thereof, or additional security therefor, so that the amount loaned shall at no time exceed ninety per cent. of the market value of the securities pledged therefor.

When
payment
or addi-
tional se-
curity
must be
required.

§ 14. It shall be the duty of the trustees of said corporation, as soon as practicable, to invest the moneys deposited with them, and the gains or profits thereof, in the securities named in the ninth section of this act, except an available fund of not exceeding twenty per cent. of the deposits with said corporation, which the trustees may keep to meet current payments, and which may by them be kept on deposit in any bank or banking association, organized under any law or laws of this State or of the United States, or with any trust company, incorporated by any law of this State, upon such terms as may be agreed upon; but the sum so kept on deposit in any one bank or trust company shall not exceed twenty per cent of the capital of such bank or trust company, and shall not exceed twenty-five thousand dollars, or ten per cent. of the whole amount of deposits with this said corporation; or such available fund, or any part thereof, may be loaned by the trustees on call, or on notice not exceeding ten days, upon the securities and in the manner provided in the last preceding section of this act.

Deposits, when to be invested.

Fund to meet current expenses may be deposited.

May be loaned on call.

§ 15. The sums deposited with the said corporation shall be repaid to the depositors thereof, or their legal representatives, at such times and with such interest, and under such regulations, as the board of trustees shall from time to time prescribe, which regulations shall be put and kept up in some conspicuous place in the room where the business of the corporation shall be transacted, and shall also be printed in the pass-book of each depositor, but shall not be altered so as to affect any deposit previously made.

Repayment to depositors, regulations therefor.

§ 16. Whenever any deposit shall be made by any person being an alien or minor, or a female, being or thereafter becoming a married woman, the same shall be held for the exclusive right and benefit of such depositor, and free from the control or lien of all persons whatsoever, except creditors, and shall be repaid, together with the dividends or interest thereon, to the person making the deposit, and the receipt or acquittance of such alien, minor or female shall be a valid and sufficient release and discharge for such deposit to the corporation.

Deposits by alien, minor or married woman, how held.

Receipt therefor.

§ 17. In all actions in any court of this State, against the said corporation, by a husband to recover for moneys deposited by his wife in her own name, or as her own money, the wife may be examined and testify as a witness in like manner as if she were an unmarried woman. And in all actions against the said corporation to recover for moneys on deposit therewith, if there be any person or persons, whether husband or wife, or otherwise, claiming the same fund, who are not parties to the action, the court in which such action is pending shall, on the petition of said corporation, and upon five days' notice to the plaintiff and such claimants, make an order amending the proceedings in said action, by making such claimants parties defendant thereto; and the said court shall thereupon proceed to hear and determine the rights and interests of the several parties to said action in and to said funds. The said funds or deposits which are the subject of the said action may be permitted to remain with said corporation at the same rate of interest as other deposits of the same class, to the credit of the action until final judgment therein, and the same shall be paid by said corporation in accordance with the provisions of said final judgment. The question of costs in the actions referred to in this section shall, in all cases, be in the discretion of the court.

In action by husband, wife may be witness.

Claimant not a party, how brought in.

Fund may remain to credit of action.

Costs.

§ 18. It shall be the duty of the trustees of the said corporation to regulate the rate of interest to be allowed to the depositors in such manner that they shall receive, as nearly as may be, all the profits of

Rate of interest allowed to deposit-

ors, how
to be regu-
lated.

Classifica-
tion of de-
positors,
&c.

Annual
report to
the Super-
intendent
of Bank
Depart-
ment, &c.

Supreme
court may
appoint
person to
examine
into in-
vestments.

Books and
papers.

Report.

Powers of
court to
secure
funds, &c.

Misnomer
not to
vitiate.

General
provisions
of law
applied.

the said corporation, after deducting necessary expenses, and reserving such amount as the trustees may deem expedient or desirable as a surplus fund, which, to the amount of ten per cent. of their deposits, the trustees of said corporation are hereby authorized gradually to accumulate and hold, to meet any contingency or loss in its business; provided, however, that it shall be lawful for the trustees to classify their depositors according to the extent or duration or character of their dealings with the said corporation, and to regulate the rate of interest in such a manner that each depositor shall receive a ratable proportion of interest with all others of the same class.

§ 19. The said corporation shall, every year, make reports to the Superintendent of the Bank Department, as required by law, and in such form as he shall prescribe, and the books of the said corporation shall, at all times during business hours, be open to the inspection of the Superintendent of the Bank Department, or of such other person as the Superintendent or the Legislature may appoint as his or their agent for that purpose. Whenever any agent shall be appointed to make any such examination, he shall be paid for his services by such corporation such sum as the Superintendent of the Bank Department shall certify to be just and reasonable.

§ 20. The Supreme court may, at any time, on the application of any trustee or depositor in said savings institution, and on reasonable cause shown therefor to the satisfaction of said court, appoint one or more persons to examine into the investments of said savings institution, and its affairs and business generally. The books, papers and business of said savings institution shall be open and subject to the examination of such person or persons, and the trustees, officers and clerks thereof, or any other person, may be examined on oath by such person or persons; and the same court may confer such further powers on the person or persons so appointed as they may consider necessary for the more thorough and perfect examination of the affairs and business of said corporation. The said person or persons so appointed shall report the result of their investigations to the said court, which, if satisfied thereby that any officer, trustee or servant of said corporation has been guilty of any fraud or misconduct, may remove such person or persons, and make such further order and take such further measures for securing the funds and property of said corporation as the said court shall deem expedient.

§ 21. The misnomer of said corporation in any instrument shall not vitiate or impair the same if it be sufficiently described to ascertain the intention of the parties.

§ 22. The corporation hereby created shall be subject to the provisions of the eighteenth chapter of the first part of the Revised Statutes, and all other general laws affecting savings institutions, so far as the same are applicable; and this act may be repealed, or altered, or amended, at any time hereafter.

§ 23. This act shall take effect immediately.

Chap 631.

AN ACT to authorize the construction of a foot bridge over the Erie canal on Mohawk street in the city of Utica, New York.

Passed June 10, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Canal Commissioners are hereby authorized and required to construct, or cause to be constructed, at the expense of the State, a suitable iron foot bridge over the Erie canal on Mohawk street in the city of Utica, in such manner as they shall deem best. The expense of constructing and maintaining said bridge not to exceed three thousand dollars, to be paid from any moneys appropriated or to be appropriated to ordinary or extraordinary repairs of the Erie canal.

Foot bridge to be constructed.

Expenses thereof.

§ 2. Before proceeding to the construction of said bridge the Canal Commissioners shall require and receive a full and sufficient release, legally executed, acknowledged, delivered as aforesaid, to raise or change such bridge, approaches or embankments, whenever necessary, which necessity is to be determined by the Canal Commissioners, from all persons whose property, rights or interests may be effected* by such bridge, approaches or embankments.

Release.

§ 3. This act shall take effect immediately.

Chap. 632.

AN ACT to amend an act entitled "An act to organize and establish a police for the city of Schenectady," passed April fifteenth, eighteen hundred and seventy.

Passed June 12, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The first section of the act entitled "An act to organize and establish a police for the city of Schenectady," passed April fifteenth, eighteen hundred and seventy, is hereby amended so as to read as follows :

§ 1. The electors of the city of Schenectady at the regular charter election in said city, to be held in said city on the first Tuesday of April, eighteen hundred and seventy-five, and annually on the first Tuesday of April of each and every year thereafter, shall vote for and elect one commissioner of police, who shall hold his office for the term of two years. No person shall be elected to such office who is not an elector of said city.

Commissioners of police to be elected.

Term of office.

§ 2. The second section of said act is hereby amended to read as follows :

§ 2. Such elections shall be held, under the supervision of the inspectors of election of the various wards and election districts of said city respectively at the same places at which the election of the officers pro-

Elections, how and when held.

* So in original.

vided for in section four, title two of chapter three hundred and eighty-five of the laws of eighteen hundred and sixty-two shall be held.

§ 3. Section twenty-three of the act hereby amended is amended to read as follows :

Annual estimates, board of police to make. § 23. The said board of police shall, on the second Tuesday of May, eighteen hundred and seventy-five, and annually thereafter on the second Tuesday of May of each and every year, make up and present to the common council of the city of Schenectady an estimate of the amount of money required by said board for the year commencing on the first day of June immediately succeeding, and ending on the last day of May following, to enable them to carry out the provisions of this act, which estimate shall give the amounts estimated to be required for the several different purposes for which the funds are required, and the total amount of which estimate shall not exceed the sum of ten thousand dollars. The said common council shall thereupon raise by tax annually, at the same time and in the same manner that other city expenses are provided, the amount so estimated to be required for the said fiscal year. The amount so raised shall be paid to the treasurer of said city, who, together with the sureties on his official bond, shall be accountable therefor, in the same manner as for other moneys of said city ; the said treasurer shall hold and keep said amount subject to the credit of the said board of police until drawn from said treasurer upon the proper warrants of said board. All warrants of said board must be authorized by a vote of the board, and be signed by the president and secretary thereof, and drawn upon said treasurer against the amount in his hands, as aforesaid, subject to the credit of said board, each warrant stating the object for which it is drawn.

Limit of Tax.

Amount to be paid to treasurer.

Warrants, how authorized and signed.

Salary of policemen payable monthly.

Common council to borrow money.

The salary of the policeman shall be paid monthly as it shall become due upon the warrant of said board. All other proper expenses of said board audited and allowed by them, shall be paid by said treasurer upon the proper warrant of the board as aforesaid. And the common council is authorized and directed to borrow upon the promissory note of the city, in anticipation of the amount to be raised by tax as aforesaid, such sums as the board of police shall from time to time certify is required by it.

Repeal.

§ 4. Section twenty-four of the act hereby amended is hereby repealed, and instead and in lieu thereof shall be inserted the following :

Semi-annual report, board of police to make.

§ 24. The said board of police shall semi-annually on the first Tuesdays of June and December, of each and every year, report in writing to the said common council all sums expended or disbursed by said board for the six months immediately preceding, which report shall give in items and detail the persons to whom, the time when and the purposes for which such expenditures and disbursements were made, and which report shall be accompanied by the proper vouchers for such expenditures and disbursements.

Repeal.

§ 5. All acts and parts of acts inconsistent herewith are hereby repealed.

§ 6. This act shall take effect immediately.

Chap. 633.

AN ACT to amend an act entitled an act to amend an act entitled "An act to regulate elections in the city of Brooklyn," passed May seventh, eighteen hundred and seventy-two, passed May first, eighteen hundred and seventy-three.

Passed June 12, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The second section of the act to regulate elections in the city of Brooklyn, passed May seventh, eighteen hundred and seventy-two as amended by the act passed May first, eighteen hundred and seventy-three, is hereby amended so as to read as follows:

§ 2. Each election district of said city shall contain, as near as practicable, five hundred voters, and each district shall be entire within one ward. Election districts.

§ 2. The fifth section of said act is hereby amended so as to read as follows:

§ 5. On or before the fifteenth day of September in each year, the said board of elections shall appoint registers and inspectors, and on or before the fifteenth day of October they shall also appoint canvassers for each election district, in the following manner, namely: And the member of said board appointed by the mayor shall designate and appoint one person, and the other two members of said board shall designate and appoint two persons to act as registers and inspectors of election; and the member of said board appointed by the mayor shall appoint one person, and the other two members of said board shall appoint two persons to act as canvassers of election, in the district for which they are appointed, who shall serve at the next general election, and all special elections which shall take place during the year after such appointment. The said board shall also, previous to the day of any election, appoint two poll clerks for each district, in like manner; and the said board shall have power to remove any register and inspector or canvasser before the day of election, and to appoint another in his place, and to fill all vacancies that may occur, except* upon election day. In case any poll clerk appointed shall fail to attend at the opening of the polls on election day, the registers and inspectors may appoint one in his place, and in case of any vacancy occurring during the voting or canvassing of votes, such vacancy may be filled by the registers and inspectors or canvassers. Registers and inspectors, their appointment, time and manner of.
Poll clerks, appointment of.
Removal.

§ 3. The sixth section of said act is hereby amended so as to read as follows:

§ 6. The said registers and inspectors of election, or a majority of them, shall make the registry hereinafter provided for, in the city of Brooklyn, and the said registers and inspectors shall hold the elections hereinafter mentioned and preside at the same, and have and possess all the powers, and be subject to all the duties and liabilities of inspectors of election. They shall meet on the last Tuesday of September and the second Tuesday of October at the place designated for holding the poll of the next general election in said election district, for the Registers and inspectors, their powers and duties.
Meetings to register.

* So in original.

Board of
registry,
time they
shall re-
main in
attend-
ance to
make list.

List of
qualified
voters.

Oath,
memoran-
dum of.

Perjury.
Change
of resi-
dence of
registered
voters.

Certifi-
cate.

Board of
registers
and in-
spectors,
time of
meeting to
complete
registries.

purpose of registering the names of the legal voters of such election district; and for this purpose they shall organize themselves as a board of registry in each election district, and appoint one of their number chairman of the board. The said board shall remain in attendance on the days above named, and on each of said days at the said places, from seven to ten o'clock, forenoon, and from three to ten o'clock, afternoon, for the purpose of making a list of all persons qualified and entitled to vote in accordance with the provisions of the constitution and laws of this State, at the ensuing election, in the election district, and who have personally appeared and asked to be registered. Such list, when completed, shall constitute and be known as the registry of electors of said district. Each member of said board shall make a list of qualified voters in the district, and enter therein under the heading of the street or avenue in which they reside the name, age, residence and duration of his residence in the State, in the county and in the ward, of every person entitled and desiring to be registered; and no person shall be registered unless he be at the time a resident and qualified voter within the election district; and it shall be the duty of the register receiving his name, if such person be challenged, or in case such register shall have cause to suspect such person is not a resident of such district, or is from any cause disqualified from voting therein, to administer to him the same oath which the law prescribes shall be administered to a challenged person attempting to vote at a regular election; and such register shall make a memorandum on the registry opposite the name of every person who has been thus sworn. The fact that such person has been thus sworn shall not prevent his being sworn again, if challenged for any cause, when he attempts to vote at the next election; and any person taking a false oath before such register shall be punished as for willful and corrupt perjury. If any person who has registered his name as a voter shall change his residence to another district before the election, he may present himself to the registers and inspectors of the district in which he has registered, and state to them on oath that he has so changed his residence, and the place to which he has removed. Such board of registry shall thereupon give him a certificate, signed by the chairman, that his name has been stricken off on account of such removal, and shall strike his name off from the registry on which it has been entered; and on presentation of such certificate to the registers and inspectors of the district to which he shall have so removed, his name shall be entered on the registry in such district, with a memorandum of such removal. Any person who, being so registered, shall determine to change his residence to another district before the election, may present himself in like manner before the board of registers and inspectors, and state to them on oath that he has determined to so change his residence and the place to which he intends to remove; a similar certificate shall thereupon be given to him, and his name shall be stricken off from the registry on which it has been entered, and he shall thereupon be entitled to have his name added to the proper registry on the Monday occurring fifteen days before the election, as provided in the seventh section of the act, on presentation of such certificate.

§ 4. Section seven of said act is hereby amended so as to read as follows:

§ 7. The said board of registers and inspectors shall meet on the Monday occurring two weeks before the day of general election in their respective election districts, at the place designated as hereinbefore provided, for the purpose of completing said registries of election; and for this purpose they shall meet from eight to eleven A. M. and from

four to eleven p. m. of that day. And they shall then revise, correct, add to and subtract therefrom, and complete the said registries, and shall on that day add to the said registries any person who would on the day of the next election be entitled, under the provisions of the Constitution and laws of this State, to exercise the right of suffrage in said district; but the name of no person shall be entered upon said registry unless the elector shall personally appear before said registers. On the next day the said registers and inspectors shall make and complete three additional lists of said registry and enter therein the names of the persons registered, under the headings of the streets or avenues in which they reside, their age, place of residence in numerical order, length of time of residence in the State, in the county and in the ward, and in a column headed "remarks" if to be challenged, as follows :

Additional lists, form and contents of, &c.

NAME OF STREET OR AVENUE.

Residence, number or other designation.	Name of voter.	Age.	Length of residence in the State.	Length of residence in the county.	Length of residence in the ward.	Remarks. (To be challenged.)

The said lists, when so completed, shall be signed and certified by each register. One of the said lists shall be retained by the chairman of the board of registers and inspectors, for their use on the day of election, and the other two lists shall be delivered on the following Wednesday to the board of elections, and it shall be the duty of the said board of elections to print and distribute for each ward respectively, fifty times as many copies of said lists as there are districts in the ward, in pamphlet form, so that each ward pamphlet shall contain the lists of the several election districts in each ward. It shall also be the duty of the said board of elections to hire all polling places and place them in proper order and condition; to furnish to the various election officers, provided for in this act, such registries, maps, books, blanks, instructions and stationary as may be necessary for the proper discharge of their duties.

Printed copies of

Polling places, registries, maps, &c.

§ 5. Section eight of said act is hereby amended so as to read as follows :

§ 8. On the Saturday preceding the day of election, it shall be the duty of the said registers and inspectors of election to hold a meeting from four to ten o'clock p. m., for revising and correcting the registries of election, to receive testimony and arrange for challenge at the polls; but no name shall be added to or erased from any registry at such meeting, except on certificate from the board of elections, or another board of registers and inspectors, as is by the statute provided.

Revising and correcting registries, &c.

§ 6. The ninth section of said act is hereby amended so as to read as follows :

Preservation of registers, checking names of voters, &c.

§ 9. It shall be the duty of the said board of registers and inspectors in each election district carefully to preserve the said registers of electors, for their use on election day, and to designate one of their number, or one of their clerks, to be by them appointed at the opening of the polls, to check the name of every voter voting in such district whose name is on the registry, and no vote shall be received at any general election unless the name of the person offering to vote be on the said registry ; and any person whose name is on the registry may be challenged, and the same oaths shall be put as are now prescribed by law, and no person shall be permitted to vote at any election in the city of Brooklyn unless his name shall have been duly registered in accordance with the provisions of this act.

No person to vote unless registered.

§ 7. The tenth section of said act is hereby amended so as to read as follows :

Inspectors of elections, board of.

§ 10. It shall also be the duty of said board of registers and inspectors to act as inspectors of elections, in the districts wherein they are appointed, at the next general election after such appointment. They shall form a board of inspectors of election, by appointing one of their members to be chairman. It shall be their duty to be in constant attendance during the hours allotted for the discharge of their duties.

Their powers and duties.

They shall perform all the duties and possess all the powers of inspectors of elections in the several towns of this State, as now provided by law. The chairman of the said board of inspectors of each district shall administer the usual oath of office to the poll clerks before they enter upon the performance of their duties. The inspectors shall cause the

Entry of time in margin of poll lists.

lapse of every hour to be entered upon the margin of the poll-lists, beginning at the opening of the polls, and continuing from the hour of eight in the morning, by noting the hour opposite to the name of the respective voter, and causing their chairman to sign his name under each entry, and shall also enter the time of the closing of the poll

Registers and inspectors, compensation of.

opposite to the name of the last voter. The compensation of the registers and inspectors shall be five dollars each per day for five days only, and the compensation of each canvasser shall be five dollars, and that of the poll clerks shall be five dollars for the election and five dollars for the canvass ; and the said registers and inspectors shall be exempt from jury duty during one year from date of their respective appointments. The registers and inspectors of elections, and canvassers, in

Exemption from jury duty.

Power to preserve order, &c.

each election district, while discharging any of the duties imposed upon them by this act, shall have full power and authority, and they are hereby required to preserve order and enforce obedience to their lawful commands at and around the place of registration or election during the day of any registration, revision of registration, election or canvass, estimate or return of votes, to keep the access to such place open and unobstructed, to prevent and suppress riots, tumult, violence, disorder and all improper practices tending to the intimidation or obstruction of voters, the disturbance or interruption of the work of registration, revision of registration or voting, or the canvass, estimate or return of votes, and to protect the voters, challengers and persons designated to watch the canvass of any ballots from intimidation or violence, and the registers, poll-book, boxes and ballots from violence and fraud, and to appoint or deputize, if necessary, one or more electors, to communicate their orders and directions, and to assist in the enforcement thereof.

§ 8. The eleventh section of said act is hereby amended so as to read as follows :

§ 11. The clerks of each poll shall enter upon the poll lists kept by them in columns prepared for that purpose, first the residence, number and street of the person voting ; second, the name of each person voting ; third, his age ; fourth the number of ballots voted, and for what office the same are voted, in columns appropriately designated for that purpose, and as many additional columns as there are boxes kept at the election. Entries by poll clerk.

§ 9. The thirteenth section of said act is hereby amended by adding the following to the end thereof : " but if two or more ballots are so folded together as to present the appearance of a single ballot, they shall be destroyed if the whole number of ballots exceed the whole number of votes deposited in the box in which such tickets are found as shown by the poll-lists kept by the poll clerks." Ballots folded together, when to be destroyed.

§ 10. The fourteenth section of said act is hereby amended by adding the following at the end thereof : " The poll-lists shall within the same time be filed, one with the board of elections, and one with the county clerk. Canvassers shall sign each page of each return and shall seal the returns before filing them. Filing of poll lists, &c.

§ 11. The twentieth section of said act is hereby amended so as to read as follows :

§ 20. The board of elections of the city of Brooklyn shall, on the third Monday of September in each and every year, designate and afterward publish, in at least three newspapers published in said city, on the days of such registration and the day of election, and on two days prior to each of such days, not including Sunday, the boundaries of each election district and the places for holding the polls in said city, and for the meeting of the said boards of registers and inspectors ; but no building, or part of a building, shall be designated as such place of registry or polling-place, in any part of which wine, beer or intoxicating liquor is sold, or has been sold within thirty days next preceding the time of so designating the same, and one copy of the registry shall be posted immediately after its completion in some conspicuous place in the room where such meeting shall be held, and any person who may so desire may examine and make a transcript thereof ; and said copies deposited in such public offices shall be open at all times to public inspection without charge. No election district in the city of Brooklyn shall be altered, nor any new district created, after the last Monday in August in any year. Board of elections to publish boundaries of election districts, polling places, &c. Building in which liquors is sold not to be designated. Posting of registry, &c.

§ 12. Whenever any register and inspector shall be removed by the board of elections, he shall deliver over to his successor, on demand, the registry list so far as he has made it, under a penalty of one hundred dollars, to be recovered as provided in the sixteenth section of said act, and the penalty provided in the twenty-first section of the said act of May first, eighteen hundred and seventy-three, shall be recoverable in like manner. Creation, &c., of election districts. Registry lists, delivery of to successor in office.

§ 13. This act shall take effect immediately.

Chap. 634.

AN ACT to amend an act entitled "An act to authorize the construction of a railroad from, at or near Bath ferry, in the town of North Greenbush, to Douw's Point, in the town of East Greenbush, in the county of Rensselaer," passed May tenth, eighteen hundred and seventy-three.

Passed June 12, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of the act entitled "An act to authorize the formation of a railroad from, at or near Bath ferry, in the town of North Greenbush, to Douw's Point, in the town of East Greenbush, in the county of Rensselaer," passed May tenth, eighteen hundred and seventy-three, is hereby amended so as to read as follows:

Corpora-
tors, how
to orga-
nize.

§ 6. It shall be lawful for said grantees and their associates to organize under an act of the Legislature entitled "An act to authorize the construction of railroad companies, and to regulate the same," passed April second eighteen hundred and fifty; and, in the event of such organization, all of the provisions of the said last-mentioned act, except the number of persons designated in the first section thereof, and except the number of directors, which may be seven instead of thirteen, shall apply to said grantees and their associates; also except the provisions of sections twenty-seven, thirty-one, thirty-two, thirty-eight, thirty-nine, forty, forty-one and forty-four of said act; and said grantees and their associates, or any company which they may form, are hereby authorized to contract with the corporation created by and organized under chapter two hundred and sixty-nine of the laws of eighteen hundred and seventy-two, known as the "Albany and Greenbush Bridge Company," to run their cars across the bridge to be constructed by said company.

May con-
tract with
Albany
and
Green-
bush
Bridge
Company.

§ 2. This act shall take effect immediately.

Chap. 635.

AN ACT to secure effective vaccination in the city of New York, and the collection of pure vaccine lymph or virus.

Passed June 15, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. For the purpose of more effectually preventing the spread of small-pox in the city of New York, by the thorough and systematic vaccination of all unvaccinated persons residing therein, the board of health of the said city is hereby empowered to organize a corps of vaccinators within and subject to the control of the bureau of sanitary inspection, to appoint the necessary officers, keep suitable records, collect and preserve pure vaccine lymph or virus, and to add to the sanitary code as provided by section eighty-two of chapter three hundred and thirty-

Board of
health to
organize a
corps of
vaccina-
tors, to
appoint
officers to
collect
vaccine
lymph, &c.

five of the laws of eighteen hundred and seventy-three, entitled "An act to reorganize the local government of the city of New York," passed April thirtieth, eighteen hundred and seventy-three, such additional provisions as will most effectually secure the end in view.

§ 2. Whenever the amount of vaccine lymph or virus collected by the said corps shall exceed the amount required in the proper performance of its duties, the said board of health may authorize the sale of such surplus lymph or virus at reasonable rates, to be fixed by said board. The avails of such surplus lymph or virus shall be accounted for and paid to the chamberlain of the city of New York as provided by existing laws, and shall be set apart and constitute a distinct fund, to be known as "The fund for gratuitous vaccination," and shall be subject to the requisitions of said board for the purposes of this act.

Supplies
of lymph,
sale of.

Avails
thereof.

§ 3. Within fifteen days after the passage of this act the board of apportionment created by section one hundred and twelve of the act entitled "An act to reorganize the local government of the city of New York," passed April thirtieth, eighteen hundred and seventy-three, shall, by the affirmative vote of all the members thereof, estimate the amount required to organize and maintain the said corps for the present financial year, and such estimate shall be final, and the amount thereof shall be and become appropriated for the use and maintenance of such corps, and shall be raised in the manner provided by the said section one hundred and twelve of the act herein named.

Estimate
of amount
of money
required.

§ 4. This act shall take effect immediately.

Chap. 636.

AN ACT relating to the board of health of the health department of the city of New York, to the commissioners of health and the officers of the said department, their duties, and powers and the expenses of the said department.

Passed June 15, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The board of health of the health department of the city of New York, shall use all reasonable means for ascertaining the existence and cause of disease or peril to life or health, and for averting the same throughout said city, and shall promptly cause all proper information in possession of said board to be sent to the local health authorities of any city, village or town in this state which may request the same, and shall add thereto such useful suggestions as the experience of said board may supply ; and it is hereby made the duty of said health authorities to supply the like information and suggestions to said board of health.

Existence
and causes
of dis-
eases, du-
ties of
board of
health re-
specting.

2. In the exercise of the powers and duties of said board, in the presence of great and imminent peril to the public health by reason of impending pestilence, as confirmed and vested in and enjoined upon the said board by the sixteenth section of chapter seventy-four of the laws of eighteen hundred and sixty-six, the assent in writing of three members of the said board instead of six as there prescribed, and the assent of the mayor of the city of New York in place of the governor of the state, shall alone be required. The said board having first taken

Great
peril to
public
health,
exercise
of powers
of board
of health
in case of.

and filed among its records what it shall regard as sufficient proof to authorize its declaration of such peril as aforesaid, and having duly entered the same in its records, it shall be its duty to take such measures and do and order or cause to be done such acts and make such expenditures beyond those duly estimated for or provided for the preservation of the public health though not herein elsewhere or otherwise authorized, as it may in good faith as aforesaid declare the public health and safety to demand, and the mayor of the city shall also in writing approve. Such peril shall not be deemed to exist, except when and for such period as the said board shall declare.

Persons afflicted with pestilential, contagious or infectious diseases, power of the board in respect to.

3. Said board shall have the same power in respect to persons afflicted with any contagious, pestilential or infectious disease as are given by the sixteenth section of chapter seventy-four of the laws of eighteen hundred and sixty-six in respect to persons afflicted with contagious diseases; shall have exclusive charge and control of the hospitals for the treatment of such cases; and shall have power to provide and pay for the use of proper places to which to remove such persons as well as to designate such places; and said board may cause proper care and attendance to be given to persons so sick, or removed when it shall be made to appear to the said board that any such person is so poor as to be unable to procure for himself such care and attendance, or that the public health requires special medical care and attendance.

Powers, &c., of board of health, territorial extent of.

§ 2. The authority, duty and powers of the board of health of the city of New York shall extend over the waters of the bay, up to and within the quarantine limits as established by law, but shall not be held to interfere with the powers and duties of the commissioners of quarantine or health officers of the port.

Sanitary superintendent.

§ 3. All the powers and duties heretofore vested in or enjoined upon the city sanitary inspector under and pursuant to the provisions of chapter five hundred and sixty-six, laws of eighteen hundred and seventy-one, are vested and confirmed in, enjoined upon and to be exercised by the sanitary superintendent of the health department of the city of New York, and certificate required in the first section of the said act shall be made by and in the name of the sanitary superintendent, or the executive officer of the said department of health.

Board of health, in what name it may sue and be sued, process, &c., how served.

§ 4. Said board of health may sue or be sued in and by the proper name, of "The Health Department of the city of New York," and not in or by the name of the members of said board, or any of them; and service of all process in suits and proceedings against or affecting said board, and other papers may be made upon the president of said board, or upon its secretary, and not otherwise; except that, according to usual practice in other suits, papers in suits, to which said board of health is a party, may be served on its attorney.

Attorney of board of health, his salary.

§ 5. The attorney of the board of health shall be also its counsel when appointed as such by the said board, and shall have a salary for his services as attorney and counsel to be fixed by the said board not to exceed the sum heretofore paid to the counsel of the metropolitan board of health, and in all actions in proceedings against the mayor, aldermen and commonalty of the city of New York, or any other department or person whatsoever in which any action, order, regulation, ordinance or proceeding of the said board, or of any persons acting under, or pursuant to, its authority shall be called in question or made the subject of the action or proceeding, the said board of health shall be a necessary party, and have the right to answer, to appear and to take part therein by its own attorney and counsel.

§ 7.* The said board of health, if it shall consider the public health or interests so to require, may execute orders through its own officers or persons, and means to be engaged by the said board of health; and about the execution of the said order, both the said board of police and the said board of health shall severally have as well the authority conferred by this act as all the powers and authority conferred by the fifty-third and fifty-fourth sections of the Metropolitan police act, passed on the twenty-fifth day of April, eighteen hundred and sixty-four, and of any amendments made to said act or to be made, enlarging such authority; and all powers and authority possessed and exercised by said board of police under said act pertaining to sanitary matters, or in conflict with the objects and purposes of this act, shall hereafter be enjoyed, possessed and exercised by said board of health. Whatever expenses said board of health may lawfully and properly incur in the execution of any judgment aforesaid, or in executing, or in connection with its own orders, made in good faith, or in and about the discharge, in good faith, of its duties, or in satisfying any liability or judgment it may have in good faith incurred or suffered by reason of its acts done in good faith as aforesaid, or in satisfying any claim against its officers or subordinates, arising from their acts in the discharge in good faith of their respective duties, shall, so far as established, be paid out of its fund or other moneys, and shall be apportioned, assessed, collected and paid as is provided in the health laws aforesaid in respect to the expenses of said board, and such sums paid or recovered under this act shall not be included in or considered as a part of that class of the expenditures of the board in respect to which there is or may be a specific limitation as to amount.

Orders of
board of
health,
how exe-
cuted.

Expenses,
how paid.

§ 8. Said board of health may institute and maintain, in the name of said health department, all such suits and proceedings as shall be reasonable, necessary and proper, for recovering any moneys expended, enforcing any lien or the payment of any fine, the punishment for any offense, or in other respects carrying out the provisions of the laws under which it acts.

Board of
health
may re-
cover mo-
neys, &c.

§ 10.* The said board of health shall have full and exclusive power and authority over the removal of night soil, and in the removal of dead animals, offal, night soil, blood, bones, tainted or impure meats, and other refuse matter from said city. It is hereby charged with the duty of causing the removal of the same daily, or as often as may be necessary, and of keeping the said city clean from all matter or nuisance of a similar kind.

Night soil,
offal, &c.,
removal
of.

§ 11. The said board of health is authorized to make contracts with any responsible person or persons for the removal of said offal, dead animals, night soil and other refuse matter from the city of New York, and to require and receive security in such form and amount as the said board may approve, for the faithful performance by the person or persons aforesaid to whom such contracts may by the said board be, in its discretion, awarded, of all and every of the provisions of such contracts on his or their part.

Night soil,
offal, dead
animals,
&c., con-
tract for
removal
of.

§ 12. Copies of the record of the proceedings of said board, of its rules, regulations, ordinances, by-laws and books and papers constituting part of its archives, when authenticated by its secretary or secretary pro tem., shall be presumptive evidence, and the authentication be taken as presumptively correct in any court of justice or judicial pro-

Record of
proceed-
ings, cer-
tified cop-
ies of evi-
dence.

ceeding, when they may be relevant to the point or matter in controversy, of the facts, statements and recitals therein contained.

Appearance and examination of witnesses, how compelled.

§ 13. Upon the application of any party in interest in any matter pending examination before said board of health, by affidavit, stating the grounds of such application, to any judge of a court of record, and asking that any person or persons therein named shall appear before said board of health, or any person taking or about to take such examination, at some time or times and place to be stated in said affidavit, it shall be the duty of such judge, if he shall discover reasonable cause so to do, to issue his order, requiring such person or persons named to appear and submit to such examination as and to the extent such order may state, at the time and places to be in said order named; and such order, to be signed by such judge, may be served, and shall in all respects be obeyed as a subpoena duly issued; and a refusal to submit to the proper examination may be punished by such judge, or by any judge of such court, as a contempt of court, upon the facts as to such refusal being brought before any such judge by affidavit.

False return, false and deceptive report, &c., a misdemeanor.

§ 14. If any person shall knowingly make to said board of health or any officer thereof any false return, statement or report relative to any birth, death or marriage, or other matter, concerning which a report or return may be legally required of or should be made by such person; or if any member, inspector or officer, or any agent of said board of health shall knowingly make to said board of health any false or deceptive report or statement (in connection with his duties), or shall accept or receive, or authorize or encourage, or knowingly allow any other person to accept or receive any bribe or other compensation as a condition of or an inducement for not faithfully discovering and fully reporting or otherwise acting according to his duty in any respect, then any and every such person shall be deemed guilty of a misdemeanor, and shall be liable to be for such crime indicted, tried and punished according to law, and shall in addition forfeit all compensation due or to grow due from said board.

Punishment.

Sanitary code, publication of additional provisions and ordinances.

§ 15. The publication of additional provisions in and of additional ordinances of the sanitary code for the security of life and health, and the prevention of accidents and of the spread of disease in the city of New York, once a week for two successive weeks in the city records in said city, shall be sufficient, and render any further publication of the same in any other newspaper* unnecessary.

§ 16. This act shall take effect immediately.

Chap. 637.

AN ACT to provide for the opening and improvement of a portion of Grand street in the city of Brooklyn, and the extension of the same, and improvement of such extension, in Queens county, and to provide for the payment therefor.

Passed June 16, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appointment of commissioners.

SECTION 1. The Supreme Court of the State of New York, at any special or general term thereof, held in the second judicial department,

* So in the original.

on the application of ten freeholders of the county of Kings and ten from the town of Newtown, after the expiration of ten days from the passage of this act, shall appoint three commissioners—two from the town of Newtown and one from Kings county—whose duty it shall be to enter upon and perform the duties, and carry into effect the provisions of this act.

§ 2. Said commissioners are hereby authorized and required to open Grand street, in the city of Brooklyn, from Metropolitan avenue to the city line at Newtown creek, as laid down on the commissioners' map of the city of Brooklyn, and to widen the same to the width of seventy feet, and to extend the same in the town of Newtown eighty feet wide, easterly, from Newtown creek to the bend in the Maspeth and Newtown plank-road, at the house of Thomas Hallett; thence along said road, widening and straightening the same, to Thompson avenue, at Moore's Corner, in the village of Newtown, which street shall be graded its full width, and be macadamized sixteen feet wide and one foot in depth in the center thereof, its whole length as so opened in said city and town. Said commissioners shall cause correct maps of said street, as extended and widened for its full length, to be filed in the office of the clerk of Kings and Queens counties respectively; and the commissioners' map of the city of Brooklyn is hereby amended accordingly.

Commis-
sioners to
open,
grade and
macadam-
ize
Grand
street.

Maps.

§ 3. Said commissioners shall, before entering upon the discharge of their duties, take the oath of office required by the constitution, before a person duly qualified to administer the same; and in case of a vacancy occasioned by death, neglect or refusal to serve, or by resignation of any of the said commissioners as first appointed, such vacancy shall be filled by the said Supreme Court, as on the first appointment, as provided for in section first of this act.

Official
oath.

§ 4. The said commissioners shall have power, and are hereby authorized and directed to estimate the value of any lands or improvements taken for such street or highway, and to award to the owners or persons affected by such taking, such amount as they shall consider just and proper for taking the same for such street or highway; they shall also assess one-half of such amount so awarded for damages for land taken for that portion of such street or highway lying in the town of Newtown, and upon a district of one thousand feet on each side thereof, commencing at the easterly approach, and assessing north and south in a direct line upon the adjoining taxable property and lands included in such district of assessment as they shall deem proper, and according to the benefit which such property will derive from the improvement.

Estimate,
award
and as-
sessment.

§ 5. Before proceeding to make such estimate, award and assessment, the said commissioners shall give public notice in two newspapers published in Queens county, and in the corporation papers of the city of Brooklyn, at least ten days previous to their meeting to make such estimate, award and assessment, of their intention to proceed and make the estimate, award and assessment required by this act, and of the time when, and the place where they will meet for the purpose; at which meeting all persons interested may appear and be heard in relation to said estimate, award and assessment which, when made, shall be presented in a report to the Supreme Court, at any special term thereof held in either of the aforesaid counties, for confirmation. Notice for such presentation for confirmation shall be published in the corporation newspapers of the city of Brooklyn, and in one newspaper published in the town of Newtown, if there be one, and if not, in Queens county, once a week for two weeks, and upon such presentation the court may confirm, alter or amend the same, or send it back

Notice of
intention
to make
estimate,
&c.

Persons
interested
may be
heard.

Report to
supreme
court.

Notice of
confirmation.

Order of
confirmation
final.

Assess-
ments,
how col-
lected.

Redemp-
tion of
bonds.

Bridge
over New-
town
creek.

Advertis-
ing for
proposals.

Grading
and mac-
adamiz-
ing.

Cost of
bridge,
how
borne.

Board of
supervis-
ors, duty
of.

to the commissioners for revision. In the latter case the same notice of presentation of the new report for confirmation, and the same proceedings upon such presentation, shall take place as in case of the first report. The order of confirmation, when made and entered, shall be final, and upon the confirmation of such report, the lands for which awards shall be made, shall vest in the town of Newtown, and in the city of Brooklyn respectively, for the purpose of a highway; and all such assessments, which shall not be paid within thirty days after the confirmation of the report as hereinbefore mentioned, shall be collected in the same manner in which unpaid taxes are collected, and the lands on which such assessment shall be laid may be sold for the payment and collection of such assessment, together with all interest, commissions and expenses, in the same manner as, by the laws of this State, lands are authorized to be sold for the non-payment of taxes in the town of Newtown; and the same proceedings shall be had for the sale of lands for the non-payment of such assessment, interest, commission and expenses as are by the laws of this State, provided in case of the sale of lands for the non-payment of taxes in said town. The amount of such assessments, when collected, shall be paid to the supervisor of the town of Newtown, and shall be by him securely invested and applied, as fast as possible, to the redemption of bonds issued, as hereinafter provided, for payment of lands taken for said improvement in said town of Newtown.

§ 6. The said commissioners are required and are hereby empowered to build a bridge over Newtown creek, on the line of said highway, of sufficient width and with proper pilework approaches, with a draw therein not less than thirty-five feet in width, and the cost of the construction of such bridge and approaches shall not exceed twenty thousand dollars.

§ 7. The said commissioners shall advertise in the corporation papers of the city of Brooklyn, and in two newspapers published in Queens county, for two successive weeks, for proposals, before giving out any contract for building said bridge, or for grading and macadamizing said street or highway from Metropolitan avenue to Newtown creek, and from Newtown creek to said Thompson avenue at Moore's Corner in the town of Newtown, said grading and macadamizing to be as follows: The said street or highway to be graded its full width and to be macadamized sixteen feet in the center, and one foot in depth, the whole length. The costs of such grading and macadamizing shall not exceed the sum of seventy thousand dollars, for so much thereof as lies in Kings county, and eighty thousand dollars in the town of Newtown to said Thompson avenue.

§ 8. The cost of the construction of the bridge and approaches thereto, provided for in section six, shall be borne equally by Kings county and the town of Newtown. When the cost of such construction shall have been ascertained and determined by the said commissioners, they shall present a statement thereof, under oath, to the board of supervisors of the county of Kings, and to the supervisor of the town of Newtown, and thereupon it shall become the duty of said board of supervisors of the county of Kings to cause one equal half of said cost to be levied and collected in the then next tax levy, in and for Kings county, and as a county charge; and it shall be the duty of said supervisor of the town of Newtown to cause one equal half of said cost to be levied and collected in and upon said town of Newtown, and as a town charge in the next tax levy in and for Queens county, in the same manner and at the same time as other contingent expenses of said

county and town, respectively, are by law levied and collected, and the proper town and county authorities shall cause the same to be raised, levied and paid over to said commissioners, to be by them disbursed for the construction of the bridge and approaches aforesaid. The cost of maintaining and keeping in repair said bridge shall be paid, annually, by said town of Newtown and Kings county equally.

Cost of maintaining bridge.

§ 9. One-half of the awards made pursuant to sections four and five of this act, for lands taken in the town of Newtown, shall be paid by the town of Newtown, and the award for lands taken in the city of Brooklyn shall be paid as hereinafter provided. Upon the confirmation of the report containing said awards, said commissioners shall serve on the supervisor of the town of Newtown, and the supervisors of Kings county, a copy of such report and a statement of said awards; said supervisor of Newtown shall, thereupon, issue bonds of said town of Newtown, of such denomination as he shall think proper amounting in the aggregate to the aggregate amount of said awards for lands taken in said town of Newtown, bearing interest at the rate of seven per cent. per annum, payable semi-annually, and payable in not less than three years nor more than five years from their date, and shall sell the same at not less than par, and with the proceeds thereof shall pay said awards. The persons to whom awards are due shall be allowed, if they shall so elect, to take said bonds for the amount of their respective awards.

Awards for lands taken, how to be paid.

Bonds of the town of Newtown.

§ 10. The cost of the improvement, grading and macadamizing of said street in the city of Brooklyn, together with copies of all contracts relating thereto, and including the amount of awards for lands taken in the city of Brooklyn, if any, shall be certified by said commissioners under oath to the board of supervisors of Kings county, and said board shall, after being notified thereof, cause the amount of such cost, with two per cent. added for cost of collection, as provided in the charter of the city of Brooklyn, to be raised by tax in the next annual tax levy thereafter, and assessed equally as follows, namely: One-third thereof equally on the several lots or parcels of land embraced in a district of assessment extending one thousand feet on each side of said street, and lying east of the canal and to Newtown creek; one-third thereof equally on the several lots or parcels of land embraced in a district of assessment extending one hundred feet on each side of said street, and lying west of the canal and to the East river; and one-third thereof equally on all the lots, pieces or parcels of land lying in the city of Brooklyn. The amounts so raised shall be paid into the treasury of the city of Brooklyn, and from thence to said commissioners, from time to time, as required to be expended by them for the purposes of this act.

Cost of improvement in Brooklyn to be raised by tax.

How to be assessed.

Certificates of indebtedness may be issued by the commissioners to an amount not exceeding the aggregate of the total amount of said cost and expenses in payment of such expenses as is chargeable in Kings county, redeemable from the amount so collected by tax. Such certificates shall be countersigned by the comptroller of said city of Brooklyn, and an account thereof kept in his office, and they shall be redeemed by him, and no such certificate shall be issued until so countersigned.

Certificates of indebtedness.

§ 11. The costs of the improvement, grading and macadamizing of said street or highway in the town of Newtown shall be paid by said town of Newtown. Upon the giving of a contract or contracts for said improvements, grading and macadamizing within said town, said commissioners shall file a copy of said contract or contracts with the

Cost of improvement in Newtown.

Bonds of
the town.

town clerk of said town, and shall serve on the supervisor of said town a statement of the amount of expenses to be incurred under such contract or contracts. Thereupon and within ten days after demand thereof made by said commissioners, said supervisor shall deliver to said commissioners bonds of the town of Newtown in denomination not less than one hundred dollars nor more than one thousand dollars each, amounting in the aggregate to said amount of expenses; such bonds to bear interest at the rate of seven per cent. per annum, payable semi-annually, and be made payable, as nearly as possible, one-third thereof in five years, one-third in ten years, and one-third in fifteen years after their dates, and when issued to be issued in equal amounts of each class. Said bonds shall be disbursed by said commissioners in payment of such amount of expenses, and at the time of disbursing each of said bonds, said commissioner shall indorse thereon the date of such disbursement, and a statement that interest on such bond commences at such date.

Tax for
payment
of bonds.

In each year in which any of the interest or principal of said bonds, or those provided in section nine, shall fall due, it shall be the duty of said commissioners to certify to the supervisor of said town the amount which will actually fall due, for said principal and interest in such year; and it shall be the duty of the supervisor of the town of Newtown to present a statement thereof to the board of supervisors of Queens county, and said board shall thereupon insert in the tax levy, as a charge upon the town of Newtown, an amount sufficient to pay such proportion of such interest and principal as is hereinbefore made chargeable on said town of Newtown, which amount shall be levied upon the taxable property in the town of Newtown.

Compensation of
commissioners,
and their
disbursements.

§ 12. The said commissioners shall each receive three dollars per day for their services, not exceeding, in the aggregate, two hundred dollars each, and in addition be paid their necessary disbursements, not exceeding in the aggregate, thirty-five hundred dollars. They shall make a report thereof to the Supreme Court, at any special term to be held in Kings or Queens county, and on the confirmation thereof, they shall serve a copy thereof on the supervisors of Kings county, and a copy thereof on the supervisor of the town of Newtown; said fees and expenses shall be paid equally one-half thereof by said town of Newtown, and the other half, to wit, the sum of two thousand and fifty dollars, shall be raised, collected, paid over and disbursed, in the first instance, in the same manner as a part of the expense of improving, grading and macadamizing said highway, as hereinbefore mentioned, and any surplus over and above the amount required shall be paid into the treasury of the city of Brooklyn, to the credit of the sinking fund, and to the supervisor's fund of the town of Newtown, as it relates to its own locality.

Work,
when to
be completed.

§ 13. The said commissioners shall enter on their duties immediately after their appointments, and the whole work contemplated by this act, and all the duties imposed upon or required of said commissioners by this act shall be wholly performed, completed and fulfilled on or before the first day of June, A. D. eighteen hundred and seventy-six.

§ 14. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 15. This act shall take effect immediately.

Chap. 638.

AN ACT to ratify and confirm certain orders and acts of the county judge of the county of Steuben, appointing commissioners to issue bonds and invest the same in the stock of the Rochester, Hornellsville and Pine Creek Railroad Company, and to legalize all proceedings under and pursuant to such orders and acts.

Passed June 16, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The order or action of the county judge of the county of Steuben, appointing John M. Brundage, Bernard O. Hargan and Chauncey I. Ersley commissioners to issue bonds of the town of Greenwood, in said county, to the amount of thirty thousand dollars, and invest the same or the proceeds thereof in the stock of the Rochester, Hornellsville and Pine Creek Railroad Company, is hereby declared to be legal and valid, and the subsequent action of the said commissioners in issuing said bonds and investing the same in the stock of said railroad company, under and pursuant to the order of said county judge, is hereby ratified and confirmed, and declared to be legal and valid.

§ 2. The bonds and coupons annexed thereto, so issued by the said John M. Brundage, Bernard O. Hargan and Chauncey I. Ersley as commissioners of the town of Greenwood, pursuant to the order of said county judge, are declared legal debts and obligations against said town, and shall be paid at the maturity thereof, in the manner prescribed by chapter nine hundred and seven, laws of eighteen hundred and sixty-nine, and the acts amendatory thereof; and the said John M. Brundage, Bernard O. Hargan and Chauncey I. Ersley shall continue as commissioners of said town, and have and discharge all the duties and powers of commissioners duly appointed under and pursuant to said chapter nine hundred and seven, laws of eighteen hundred and sixty-nine, and the acts amendatory thereof.

§ 3. The order or action of said county judge in appointing commissioners in the town of West Union to issue the bonds of said town to the amount of fourteen thousand dollars, and invest the same, or the proceeds thereof, in the stock of said railroad company; and the like order or action of said county judge in appointing commissioners to issue bonds of the town of Hornellsville to the amount of seventy thousand dollars, and invest the same, or the proceeds thereof, in the stock of said railroad company, are each hereby ratified and confirmed, and declared legal and valid; and the proceedings and action of the said commissioners in issuing the bonds of said towns, and investing the same in the stock of said railroad company, as provided in said orders and action of said county judge, are hereby ratified and confirmed, and declared legal and valid; and the bonds and coupons annexed thereto, so issued, are declared legal debts and obligations against said towns respectively, and shall be paid at the maturity thereof, in the manner prescribed in chapter nine hundred and seven, laws of eighteen hundred and sixty-nine, and the act amendatory thereof.

§ 4. The commissioners appointed by said county judge in the towns of West Union and Hornellsville shall continue to have and discharge

Appoint-
ment of
commis-
sioners for
town of
Green-
wood, and
their ac-
tion legal-
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Bonds
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annexed,
declared
legal debts
against
the town.
Commis-
sioners
continued
in office.

Appoint-
ment of
commis-
sioners for
the towns
of West
Union
and Hor-
nellsville
confirm-
ed.

Action of
Commis-
sioners
legalized,
and bonds
declared
legal
debts.

Commis-
sioners to
continue

in discharge of their duties and powers.

the duties and powers of commissioners duly appointed under and pursuant to said chapter nine hundred and seven, laws of eighteen hundred and sixty-nine, and the acts amending the same.

§ 5. This act shall take effect immediately.

Chap. 639.

AN ACT for the relief and protection of Martha Howell as purchaser of the real estate of David O. Howell, deceased, in proceedings by the administrators of said deceased, for the sale of said lands to pay his debts, and to confirm the acts of said administrators and of the surrogate of the county of Livingston in said proceedings.

Passed June 17, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Surrogate may confirm sale of real estate.

SECTION 1. The sale of the real estate of David O. Howell, deceased, made to Martha Howell by the administrators of the goods, chattels and credits of said deceased by virtue of an order of the surrogate of Livingston county, dated December first, eighteen hundred and seventy-three, in proceedings for the sale of said real estate to pay the debts of said deceased, may be confirmed by the said surrogate with the same effect as if the said administrators had made and delivered the bond required by section twenty-two of title four of chapter six, part two of the Revised Statutes, before the making of said order, provided said administrators shall, before such confirmation, make and deliver to such surrogate a bond, with the conditions and in the penalty and with the sureties prescribed by said section, and on receiving and approving said bond, the said surrogate may direct a conveyance of said premises in pursuance of the sale already made, and such conveyance shall be as valid and effectual in all respects as if said bond had been made and delivered before the making of said order of sale; and all the acts of said surrogate in making said order of sale, and of said administrators in making said sale shall, upon the receipt of said bond, be confirmed and be made valid and of full effect.

Provided.

§ 2. This act shall take effect immediately.

Chap. 640.

AN ACT relating to evidence as to the passage of an act to release the interest of the People of this State to Alicia C. O'Brien, passed May twentieth, eighteen hundred and seventy-two.

Passed June 17, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful and competent in any action or proceeding, whether now pending or hereafter brought, wherein an act entitled "An act to release the interest of the People of this State to Alicia C.

O'Brien," passed May twentieth, eighteen hundred and seventy-two, shall be offered in evidence or relied upon for any party to such action or proceeding, to give evidence as to whether said act did or did not in fact receive the assent of two-thirds of the members elected to the Senate, and whether said act was in fact so certified by the president of the Senate, and no certificate appearing upon or annexed to said act shall be conclusive evidence of such assent or certification.

§ 2. This act shall take effect immediately.

Chap. 641.

AN ACT to amend an act passed May first, eighteen hundred and seventy-three, entitled "An act to lay out, open and grade Eighty-sixth street, in the towns of New Utrecht and Gravesend, in the county of Kings."

Passed June 23, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Eighty-sixth street, in the towns of New Utrecht and Gravesend, shall extend in an easterly direction to Gravesend avenue. The town survey commission of Kings county shall forthwith cause a map of such extension, signed by a majority of their number, to be filed in the office of the clerk of Kings county, and all of the provisions of the act hereby amended, so far as the same are applicable, and except as herein otherwise provided, shall apply to the extension of said street herein provided for.

Extension
of street,
map to be
made and
filed.

§ 2. The county court of Kings county, or the Supreme Court at a special term, to be held in said county, shall, upon the application of any freeholder, whose land has been required for the opening of said street, under said act, or whose land may be required for the opening of the said extension thereof, upon five days' notice of such application in two daily newspapers published in the city of Brooklyn, appoint three residents and freeholders of said county commissioners for the purpose of opening the said extension, subject, however, to the provisions of the fifth section of this act, and shall fill any vacancy or vacancies which may occur by reason of the death, resignation, or removal from said county, of any of the said commissioners, or his or their inability to act, by reason of disease, or other infirmity, to be adjudged by either of said courts. The persons so appointed shall, before entering upon the duties of their appointment, severally take and subscribe the constitutional oath of office, and file the same in the office of the clerk of Kings county.

Appoint-
ment of
commis-
sioners.

Official
oath.

§ 3. The said commissioners shall each receive fifty dollars in full for their services, and the expense of the surveys and maps required by them shall not exceed one hundred and fifty dollars ; and the amount to be paid for services of counsel shall not exceed one hundred and fifty dollars.

Compensation
of commis-
sioners,
&c.

§ 4. The commissioners heretofore appointed for the purpose of regulating and grading said Eighty-sixth street shall have the like powers and duties in relation to the said extension thereof, when opened under this act, or when laid out as a public highway, to the width of one hundred feet, by the commissioners of highways, under the laws of this

Commis-
sioners
heretofore
appointed,
their
powers
and du-
ties.

State; but they shall not be entitled to charge or to receive any additional compensation for such additional service.

In what event no proceedings shall be taken under this act.

§ 5. If the said extension shall be fully and completely laid out by the commissioners of highways, as aforesaid, on or before the first day of June, eighteen hundred and seventy-four, and their determination in such case shall not have been appealed from within twenty days thereafter, then no proceeding shall be had under this act in relation to the opening of such extension, and no assessment for opening shall be laid upon any of the lands lying on either side thereof.

No additional assessment.

§ 6. None of the lands heretofore assessed under the said act of May first, eighteen hundred and seventy-three, shall be chargeable with any additional assessment under this act.

§ 7. This act shall take effect immediately.

Chap. 642.

AN ACT declaratory of and to amend chapter five hundred and forty-nine of the laws of eighteen hundred and seventy-three, entitled "An act to amend an act entitled 'An act regulating the sale of intoxicating liquors,'" passed April eleventh, eighteen hundred and seventy, and the act entitled "An act to suppress intemperance, and to regulate the sale of intoxicating liquors," passed April sixteenth, eighteen hundred and fifty-seven.

Passed June 23, 1874; three-fifths being present.

'The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of the act entitled "An act to amend an act entitled 'An act regulating the sale of intoxicating liquors,'" passed April eleventh, eighteen hundred and seventy, and the act entitled "An act to suppress intemperance, and to regulate the sale of intoxicating liquors," passed April sixteenth, eighteen hundred and fifty-seven, is hereby amended so as to read as follows :

Salary of commissioners of excise in N. Y. city.

Expenses.

Excise moneys, how disposed of.

SECTION 1. Section two of the act entitled "An act to regulate the sale of intoxicating liquors," passed April eleventh, eighteen hundred and seventy, is hereby amended by inserting after the words "and shall be paid as other city officers are paid," the words following: Provided, that in the city of New York the commissioners of excise shall receive a salary not to exceed five thousand dollars a year each, to be fixed by the board of estimate and apportionment of said city, who shall annually fix such amount as may be necessary for hire of employees, rent, and other necessary expenses of said board of commissioners, which amount shall be paid out of the moneys received for licenses, and said commissioners shall receive no other compensation or emolument for services as commissioners; and provided further, that all excise moneys hereafter derived from licenses for the sale of intoxicating liquors by said commissioners, except as above provided, shall from time to time and in sums according to their discretion, be appropriated by the board of apportionment and estimate of said city by resolution of the said board to whatever benevolent, charitable or humane institutions may seem to such board deserving or proper, but no such resolution shall be

valid unless adopted by the vote of a majority of the said board, and the comptroller of said city is hereby authorized and directed to draw his warrants in favor of the corporations, societies or charitable institutions respectively mentioned in such resolutions according to the tenor thereof, and the chamberlain of said city shall pay such warrants out of the said moneys received for licenses, which are hereby directed to be deposited with and paid over to him within thirty days after it is received.

Comptrol-
ler's war-
rant.

Payment
of war-
rants.

§ 2. This act shall take effect immediately.

Chap. 643.

AN ACT to amend an act entitled "An act relative to the Nursery and Child's hospital of the city of New York," passed April seventeenth, eighteen hundred and sixty-six, and amended by act chapter three hundred and sixty-six of the laws of eighteen hundred and sixty-nine.

Passed June 23, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections one and two of an act entitled an* "Act relative to the Nursery and Child's hospital of the city of New York," passed April seventeenth, eighteen hundred and sixty-six, and amended by act chapter three hundred and sixty-six of the laws of eighteen hundred and sixty-nine," is hereby amended so as to read as follows:

§ 1. The board of supervisors of the city and county of New York shall levy and collect by tax, in the year one thousand eight hundred and sixty-nine, and every year thereafter, at the same time and in the same manner as the contingent charges and expenses of the city and county are levied and collected, and shall pay over to the Nursery and Child's hospital, of the city of New York, the sum of five dollars per week for every destitute woman admitted into the lying-in wards of the Nursery and Child's hospital according to the time of the said woman's continuing under the care of the said institution, and the further sum of ten dollars per month for each and every child born in the institution or supported and maintained by said institution, whenever it may be necessary or expedient to place said child in the country, or for want of room in the institution, to find accommodation for it elsewhere; and also the same sum of ten dollars per month for all children received and retained in the Nursery and Child's hospital, in the city of New York, and in like proportion for any fraction of a year for each and every destitute child which may be supported and maintained in said institution.

Tax to be
levied,
collected
and paid
over to
hospital.

§ 2. The school established and maintained under the charge of the Nursery and Child's hospital, in the city of New York, and including the country branch thereof, shall participate in the distribution of the common school fund in the same manner and degree as the common schools of the city and county of New York, and shall be subject to the same regulations and restrictions as are by law imposed on the common schools of the city and county of New York.

Participa-
tion in
common
school
fund.

§ 3. This act shall take effect immediately.

Chap. 644.

AN ACT to amend the charter of the Foundling Asylum of the Sisters of Charity, in the city of New York.

Passed June 23, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Excess of
cost of
keeping
found-
lings, to
be ascer-
tained
and reim-
bursed.

SECTION 1. The Foundling Asylum of the Sisters of Charity, in the city of New York, shall henceforth be entitled to receive, as provided in chapter six hundred and thirty-five of the laws of eighteen hundred and seventy-two, at the rate of thirty-eight cents per day for each and every foundling or infant received and maintained by them. It shall be the duty of the comptroller of said city, within sixty days after the passage of this act, to ascertain the excess of the cost of keeping, clothing, and otherwise maintaining and caring for the foundlings in said asylum since the passage of the said act chapter six hundred and thirty-five aforesaid, over and above the amount received from the city therefor, and to reimburse and pay to the said asylum, in manner aforesaid, such excess, within thirty days after the same shall have been ascertained.

Sums
herein
provided
for to be
raised by
tax.

The several sums provided for and made payable under this act shall be raised and paid as specified in said chapter six hundred and thirty-five of the laws of eighteen hundred and seventy-two.

§ 2. This act shall take effect immediately.

Chap. 645.

AN ACT to make further provision for the payment of further expenses of the local government of the city of New York.

Passed June 25, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

City parks
improve-
ment fund
to be
created.

SECTION 1. The comptroller of the city of New York, in the name and on behalf of the mayor, aldermen and commonalty of the city of New York, is hereby authorized and directed to create and issue hereafter, and at such times, and in such amounts, and in such manner as shall be required by the department of public parks, for the improvement and regulation of the several parks, squares, and public places which by law now are or may hereafter be under the control and management of the department of public parks, a public fund or stock to be denominated the city parks improvement fund, to an amount not exceeding the sum of two hundred and fifty thousand dollars. Such sum hereby authorized is in addition to any and all amounts heretofore authorized by law to be created and issued for the aforesaid purposes, and such stock or fund shall be redeemable within thirty years from the date thereof. The moneys realized from said stock shall be applied only to the construction and improvement of said parks, squares, and public places.

§ 2. This act shall take effect immediately.

Chap. 646.

AN ACT telegalize* the acts of John G. Safford, a justice of the peace of Washington county.

Passed June 25, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The official acts of John G. Safford, a justice of the peace of the town of Argyle, in the county of Washington, appointed to fill a vacancy in said office, performed after January first, eighteen hundred and seventy-four, are hereby made and declared to be as legal and of the same force and effect as if the said John G. Safford had been reappointed and again taken the oath of office after said first day of January, eighteen hundred and seventy-four. Official acts legalized.

§ 2. Nothing in this act contained shall be deemed or taken to affect the rights of any party to any suit or proceeding commenced prior to its passage. Proviso.

§ 3. This act shall take effect immediately.

Chap. 647.

AN ACT to amend an act entitled "An act to authorize the selection and location of certain grounds for public parks in the city of Buffalo, and to provide for the maintenance and embellishment thereof," passed April fourteenth, eighteen hundred and sixty-nine.

Passed June 26, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The twenty-fifth section of the act entitled "An act to authorize the selection and location of certain grounds for public parks in the city of Buffalo, and to provide for the maintenance and embellishment thereof," passed April fourteenth, eighteen hundred and sixty-nine, is hereby amended so as to read as follows:

§ 25. The said the park commissioners shall have power upon such terms or upon the payment of such yearly license fee or per capita tax as the park commissioners may prescribe, to grant to any street railway company in said city the privilege of laying down and operating a railway for the carriage of passengers only, through the said connecting streets and approaches; but no street or other railway shall enter upon, in or through the said park or parks. The said commissioners shall have power to license hacks for use in said park or parks; to let from year to year or for any term not exceeding ten years, the right to sell refreshments within the said park or parks, under such regulations as the said park commissioners shall prescribe. They may also, by a vote of two-thirds of their whole number, let or lease a portion of the parade at or near the southeast portion thereof, for the purpose of erecting

Park commissioners may grant privileges to street railway companies.

Licensing of hacks, right to sell refreshments, &c.

Moneys
received,
how dis-
posed of.

thereon a refectory or hall and other buildings connected therewith, for such length of time and upon such terms and conditions as they shall think proper. Any and all sums of money which may be received by the said the park commissioners, pursuant to this section, shall be devoted to the improvement of the said park or parks, approaches thereto or streets connecting the same.

§ 2. This act shall take effect immediately.

Chap. 648.

AN ACT to provide for the building of a bridge over the Boston and Albany railroad in the town of East Greenbush, Rensselaer county.

Passed June 26, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Bridge,
railroad
company
required
to build.

SECTION 1. The Boston and Albany Railroad Company is hereby required to construct, within one year from the passage of this act, and maintain a bridge on the line of its roadway at the point of intersection of the Rensselaer and Columbia turnpike road with the Boston and Albany railroad, in the town of East Greenbush, county of Rensselaer. Said bridge shall be constructed at least twenty-six feet wide, and provided with planking nine feet high, for ten rods at each side of said bridge, and each side of said turnpike road ; said road shall be so constructed as to carry the said turnpike road by easy grades and with necessary approaches over said Boston and Albany railroad.

§ 2. This act shall take effect immediately.

Chap. 649.

AN ACT to amend the several acts in relation to the city of Rochester.

Passed June 26, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section two hundred and twelve of an act to amend an act entitled "An act to amend and consolidate the several acts relating to the charter of the city of Rochester," passed the eighth of April, eighteen hundred and sixty-one, and the several acts amendatory thereof, is hereby amended so as to read as follows :

Sidewalks
and street
or alley,
owner of
adjoining
lot to keep
in repair,
&c.

§ 212. Except as the commissioners of public works may otherwise determine or direct, it shall in all cases be the duty of the owner or owners of every lot or piece of land in said city, to keep the sidewalks adjoining his or her or their lot or piece of land, and also the street or alley adjoining the same in good repair, and also (if the premises are not actually occupied) to remove and clear away all snow and ice, or other obstructions from said sidewalk. The commissioners of public works may, by resolution, as often as they deem proper and necessary, give public notice by advertisement in the official newspapers published

Notice.

and printed in said city, for fifteen days, requiring all owners of such lot.*

§ 2. The salary of the commissioners of public works of the city of Rochester shall be five dollars per day for each commissioner for each day upon which he shall be actually engaged in the performance of his duties as such commissioner, to be paid by the city treasurer upon the certificate of the said commissioners duly certified, to be paid on the first day of each month, which amount shall not exceed one thousand dollars per year. Commissioners of public works, salary of.

§ 3. The board of water commissioners of the city of Rochester is hereby authorized to issue bonds for the construction of water-works for said city to an amount not exceeding three millions of dollars, the provisions of section four, of act chapter three hundred and eighty-seven, laws of eighteen hundred and seventy-two, to the contrary thereof notwithstanding. Bonds, commissioners of water-works may issue.

§ 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed. Repeal.

§ 5. This act shall take effect immediately.

Chap. 650.

AN ACT to amend an act entitled "An act exempting from taxation real estate owned by the House of Rest for Consumptives," passed June twenty-eighth, eighteen hundred and seventy-three.

Passed June 30, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All real estate now owned by the House of Rest for Consumptives, and in actual use for such purpose, a corporation existing under the laws of the state of New York, is hereby exempted from all taxation provided that said real estate so exempted shall not exceed in value the sum of one hundred thousand dollars.

§ 2. This act shall take effect immediately.

Chap. 651.

AN ACT to confirm the apportionment of the indebtedness incurred in the late town of Yonkers, under chapter five hundred and thirty-four of the laws of eighteen hundred and seventy-one, by the board of commissioners of the department of public parks of the city of New York, and to provide for the payment thereof.

Passed July 3, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The apportionment made by James C. Courter, mayor of the city of Yonkers, and John Bussing, supervisor of the town of West Apportionment confirmed.

* So in the original. Part of section probably omitted in engrossed act.

Payment to commissioners of public parks, city comptroller to make.

Interest, allowance of to creditors.

Tax, board of supervisors to levy.

Appropriation.

Certificates of indebtedness confirmed.

Farms, at White Plains, in the county of Westchester, on the twentieth day of November, in the year eighteen hundred and seventy-three, under the provisions of chapter six hundred and seventy-seven of the laws of the year eighteen hundred and seventy-three, of the indebtedness incurred in the town of Yonkers by the board of commissioners of the department of public parks of the city of New York, under chapter five hundred and thirty-four of the laws of the year eighteen hundred and seventy-one, in which apportionment the entire amount of said indebtedness was fixed at sixteen thousand three hundred and ninety-six dollars and forty-eight cents (\$16,396.48), and of which amount eleven thousand eight hundred and ninety dollars and sixty-two cents (\$11,890.62) was apportioned to the town of Kingsbridge, and four thousand five hundred and five dollars and eighty-three cents (\$4,505.83) was apportioned to the city of Yonkers, is hereby confirmed; and the comptroller of the city of New York is hereby authorized and directed to pay said amount of eleven thousand eight hundred and ninety dollars and sixty-two cents (\$11,890.62), with interest from the twentieth day of November, in the year eighteen hundred and seventy-three, to said board of commissioners of the department of public parks, on or before the first day of May, in the year eighteen hundred and seventy-four*; and said department shall allow and pay such interest to the several creditors of the department on their bills as heretofore audited; and the board of supervisors of the county of New York are authorized and required to order, and cause to be levied and raised by tax upon the estates by law subject to taxation within said county, and to be collected according to law, a sum sufficient to pay said amount of eleven thousand eight hundred and ninety dollars and sixty-two cents (\$11,890.62), with the interest which may have become due thereon; and the board of estimate and apportionment are required to make such appropriation as may be necessary to carry out the provisions of this act.

§ 2. The certificates of indebtedness issued by the city of Yonkers, in pursuance of said apportionment at White Plains, are hereby confirmed and declared valid.

§ 3. This act shall take effect immediately.

Chap. 652.

AN ACT to provide for the improvement of the hydraulic power of the Chateaugay river.

Passed July 3, 1874; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Board of commissioners constituted.

Quorum.

Vacancy, how filled.

SECTION 1. For the purpose of improving the hydraulic power of the Chateaugay river, within the State of New York, and checking freshets therein, a board of commissioners is hereby constituted, to be termed commissioners for improvement on the Chateaugay river.

§ 2. The said board shall consist of three commissioners, of whom a majority shall constitute a quorum for the transaction of business. The first commissioners shall be William P. Mooers, of Plattsburgh, Clinton county; Erastus S. Mead, and Harry P. Orcutt, of Belmont, Franklin county, New York; and in cases of death, resignation, refusal to serve, removal from the county, or other disqualification, the county judge of

* So in original.

the county of Franklin shall appoint a successor. The county judge shall also have the power of removal for cause to be specified in the order of removal.

§ 3. Each commissioner, before entering upon the duties of his office, shall file in the office of the clerk of the county of Franklin the official oath required by law, and a bond to the People of the State of New York, in the penal sum of five thousand dollars, with surety, approved by the county judge or county clerk, conditioned for the faithful performance of the duties of said office.

Official
oath and
bond of
commissioners.

§ 4. The commissioners under this act are authorized and empowered to constitute, establish and improve Chateaugay lake or lakes as a reservoir, for the purposes specified in the first section of this act, and shall excavate a channel out of said lake, or erect a dam at or near the outlet of the lower Chateaugay lake, or make both said channel and dam, as they may deem advisable, with gates whereby the waters of said lake may be retained or discharged, as the purposes of this act may require. If they decide to erect a dam, they shall cause a survey and map to be made of the said lake, and of the lands around the same, which will be overflowed, or be liable to be overflowed, by a dam of such height as they shall deem it necessary to erect, and also for a highway to their works, which map shall indicate, as near as may be, the different lots or tracks of land affected, the owners thereof, so far as they can ascertain the same, and the quantity of land required from each; or said commissioners may make such equitable and proper lease or other arrangement as may be just with the owner of any dam, at or near the outlet of said lower lake, for the purposes of this act, and a road thereto; and they shall file such survey and map in the office of the clerk of the counties of Clinton and Franklin.

Reservoir,
improvement
of Chateaugay lake
as.

Survey
and map
of lake.

Lease of
dam.

§ 5. The said commissioners shall make a schedule and description of the several lots and parcels of land in the said counties of Clinton and Franklin, which are located upon the Chateaugay river, between Chateaugay lake and the line of the Ogdensburgh and Lake Champlain railroad, and on which there is a hydraulic power dependent upon the waters of said river, specifying the ratio in which, in their judgment, such respective lots and parcels of land will be benefited by the works contemplated by this act, and also specifying the names of the owners or occupants, so far as they may be known. A copy of such schedule shall be deposited for public inspection in the office or place of residence of each of the commissioners. They shall appoint a time and place for hearing any objections thereto, and shall give notice thereof by publication for three weeks, in some newspaper in Plattsburgh and Chateaugay. Such notice shall specify where the schedules have been deposited, and at what time and place the commissioners will meet to review the same. At such time and place, or at such other times and places as may be in the same manner appointed, or to which they may adjourn, they shall review the said schedule, and amend and perfect the same; and when perfected, they shall certify the fact, and file the certified schedule in the office of the county clerk of said counties of Franklin and Clinton. Any party or parties conceiving himself or themselves aggrieved by the finding, judgment or assessment of said commissioners, as set forth in said schedule, may appeal therefrom to the county judge of Franklin county, by serving on said commissioners, or by leaving at their dwelling-houses with a person of suitable age and discretion, within twenty days after the filing of said schedule, as above provided, a notice of appeal to said county judge. And it shall be the duty of said county judge, upon the application of said appel-

Schedule
and de-
scription
of land.

Objections,
notice of
hearing.

Review of
schedule.

Schedule
to be filed.

Appeal.

Hearing
of appeal,
notice of.
Duty of
county
judge on
hearing
appeal.

May ex-
amine
witnesses.
Decision.

Lands un-
der water,
&c., pur-
chase of.

Title,
how
acquired.

Statement
and esti-
mate of
expenses.

Appor-
tionment
of upon
real
estate.

Notice of
places at
which as-
sessments
may be
paid, and
of last day
for.

Filing
schedule
with cer-
tificate of
amount
paid.

Publica-
tion of ab-
stract of
unpaid as-
sessments,
with no-
tice of
sale.

Sale.

lant, or of said commissioners, to fix the time and place of hearing the said appeal, of which at least eight days' notice shall be given to the other party or parties. On the hearing of said appeal, it shall be the duty of said county judge to thoroughly review and examine the findings or assessments so appealed from, and the principles whereon the same is founded, and to affirm, amend or revise the same in whole or in part. And he is hereby empowered to examine witnesses, on oath, in reference to the same, and to enforce their attendance by subpoena. The said county judge shall make his decision in writing, and file the same in the county clerk's office of Franklin county, which decision shall be final and conclusive; and the said award or finding of said county judge shall, for all the purposes of this act, stand in the place of the said certified schedule of said commissioners.

§ 6. The commissioners shall purchase from the owners the land under water in said lakes, and the lands surrounding the same, described in the map provided for in the fourth section of this act, if they agree with the owners on the terms of the said purchase, and may take a conveyance thereof to themselves and their successors forever. If they do not ascertain who are the owners of such lands, or any of them, or do not agree on the terms of purchase, they may acquire such title in the manner prescribed in chapter one hundred and forty of the laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations and to regulate the same."

§ 7. Upon or prior to the making of the report required by the said act chapter one hundred and forty, the commissioners shall make a statement in detail of the expense already incurred, and an estimate of the expense thereafter to be incurred for the completion of said improvement, which, with the amount of appraisals and the interest thereon, and their fees, and the fees of the commissioners of appraisals, shall be apportioned by the commissioners upon the real estate described in the schedule provided for in the fifth section of this act, and in the ratio there provided. A copy of the said schedule and the statement with the said apportionment shall be kept in the office or place of residence of each commissioner, and they shall publish notice of the fact once a week for three weeks in a newspaper published in Chateaugay and Plattsburgh, naming the places in the towns of Chateaugay, Bellmont and Plattsburgh, in said county, at which owners of lots, with hydraulic power on the Chateaugay river, can pay their assessments for improvements, and the last day for paying the same, which shall be not less than ninety days after the first publication of such notices. They shall receive all the payments offered on or before that day, and immediately thereafter shall file in the county clerk's office the said schedule and apportionment, with their certificate of the amounts unpaid, which shall thereupon become a lien on the real estate on which the same is assessed, with interest at seven per cent. per annum from the date of the assessment.

§ 8. Upon filing the said schedule, apportionment and certificate, the commissioners shall cause a brief abstract of so much thereof as relates to the unpaid assessments to be published once a week for three months in a newspaper published in Franklin and Clinton counties, with a notice specifying the time and place at which the several parcels of real estate in said notice mentioned, or so much thereof as may be sufficient to pay the assessment, interest and expense of the sale, will be sold at public auction. At the time and place mentioned in such notice, the commissioners shall sell to the highest bidder the whole, or if they deem it practicable to divide the same, so much of each parcel of real

estate upon which the assessment, interest and expense shall not then have been paid, as will be sufficient to pay the assessment on said parcel, with interest, and the proportion, as near as they can estimate the same, of the cost and expenses of the sale and conveyance, and they shall pay the surplus, if any, to the owner, his representatives, heirs or assigns on demand. If any lot or parcel so sold be not redeemed within six months from such sale, by payment to one of the commissioners, or to the purchaser, of the amount of the bid, and interest at the rate of ten per cent. per annum, then the commissioners shall execute to the purchaser or purchasers, his, her or their heirs or assigns, a good, sufficient deed or deeds in fee simple of the same; which deed shall be presumptive evidence of the regularity and validity of the sale, and of the proceedings necessary to authorize the sale. If any part or parcel sold is redeemed by payment to either of the commissioners, he shall immediately notify the purchaser and pay over the amount to him, his representatives or assigns.

Surplus to be paid to owner.

If not redeemed, commissioners to execute deed.

Redemption, notice of to purchaser.

§ 9. The commissioners, out of the moneys so collected, shall first pay or deposit the amounts required to be paid for the real estate taken pursuant to the order of the judge, as hereinbefore provided, and shall then pay the expenses of the necessary work required by the fourth section of this act, and of keeping up and of managing the same; and they shall make and file in the office of the county clerk of Franklin and Clinton counties, annually, a detailed account for the receipts and expenditures, accompanied with their vouchers for the same.

Payment for real estate taken.

Payment for work. Account of receipts and expenditures.

§ 10. The commissioners may cause the gates to be closed in times of freshets and floods, so as to check the same, and may let out the water at such times as they may deem proper, with a view of preserving, so far as practicable, a uniform flow of water in said river, for the benefit of the hydraulic power of the said river. The commissioners shall appoint a gate keeper, and shall fix his compensation at not to exceed one hundred dollars per annum. Such gate keeper shall hold his office at the pleasure of the board, and his successor shall be appointed so often as may be necessary.

Preserving a uniform flow of water.

Gate keeper.

§ 11. The said board shall maintain, repair and improve the works provided for in this act, and if they deem it necessary to add to their efficiency, as first constructed, by deepening the channel or by raising the dam, or adding other reservoirs, at any time within six years from the passage of this act, they may do so in the same manner, and by the same proceedings and with the same force and effect as hereinbefore provided, whenever they may receive a petition to that effect from persons liable to be assessed for the expenses, with a certificate of the county judge that it is proved to his satisfaction that the signers of said petition are owners of property liable to be assessed for two-thirds of the expenses for such improvement.

Maintenance and improvement of the works.

§ 12. The said board shall annually make a statement of their proceedings, which shall show:

Annual statement of proceedings.

1. The balance of the account, according to the items specified in detail in the last annual statement.

2. The amounts received from each person for assessments made pursuant to the provisions of this act.

3. The amount, with items in detail, received for timber or other products of lands acquired by them.

4. The amounts, in items, of the unpaid assessments, if any.

5. The items, in detail, of the expenses paid since the last report.

6. An estimate of the expenses necessary to be incurred for the succeeding year.

7. The balance of the account and an apportionment of the same, as provided in the prior provisions of this act.

Balance to debit of fund, assessment for.
Balance to credit of fund, division of.
 § 13. If such balance is to the debit of the fund, it shall be assessed, levied and collected in the same manner as hereinbefore provided for the first apportionment and assessment. Should such balance in any year be to the credit of the fund, and should such balance remain unexpended in whole or in part, for the space of two years from the time such balance is ascertained, as provided in section twelve, it shall then be divided and paid over to the several owners, and in the same proportion.

Commissioners, complaint against.
 § 14. Any person owning or interested in any real estate liable to be assessed under this act, knowing or believing that any commissioner or commissioners have done, or omitted or threatened to do, any thing contrary to his duty under this act, may make complaint, under oath, to the county judge of the county of Franklin, who shall summon the commissioners, hear the testimony, or appoint a referee to take and report the same, and compel the attendance of the commissioners and witnesses, as in case of supplemental proceedings under the Code of Procedure. If the county judge* remove the commissioners from office, he may, if in his judgment proper, direct an action to be brought upon the commissioners' bond, which order shall have the same force and effect as if made by the supreme court.

Commissioner's bond, action on.
Compensation of commissioners.
 § 15. The commissioners and appraisers appointed under this act shall be paid at the rate of three dollars for each day's work actually and necessarily spent, and whenever they devote a portion of a day's time to the business, they shall be paid therefor in proportion.

Willful injury to works a misdemeanor.
 § 16. Any and every person who shall willfully interfere with or injure any of the works, gate or structures made or constructed under the provisions of this act, shall be deemed guilty of a misdemeanor, and punishable by fine not exceeding one thousand dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment, and the board of commissioners may maintain action for any damage of such works.

Assent of a majority of owners.
 § 17. Before any proceedings shall be taken, or rights acquired, under or by virtue of the provisions of this act, the assent, in writing, of the owners of a majority of the mills and other establishments which employ the hydraulic power of said river from Chateaugay lake to the line of the Ogdensburgh and Lake Champlain railroad aforesaid, representing also a majority in amount of the aggregate valuation of such mills as appearing upon the last preceding assessment roll of the town or towns, shall be obtained thereto, which assent shall be filed in the office of the clerk of the county of Franklin.

§ 18. This act shall take effect immediately.

* So in original.

Chap. 653.

AN ACT to authorize the construction of fishways in the Mohawk river.

Passed July 11, 1874 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. During the year one thousand eighteen* hundred and seventy-four, it shall be the duty of the Commissioners of Fisheries for the State of New York to have constructed, by contract with the lowest and best bidder or bidders, after due public notice, "Brewer's Improved Shute and Fishway," in the first dam in the Mohawk river below Schenectady, known as the aqueduct dam, or dam above the aqueduct, for which purpose the sum of four thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money or moneys in the treasury, not otherwise appropriated, upon the audit of the said commissioners, which the Treasurer shall pay on the warrant of the Comptroller from time to time as the work progresses and is completed.

* So in original.

NEW TOWNS

ERECTED, TOWN BOUNDARIES ALTERED, AND DISPUTED
TOWN LINES ESTABLISHED BY BOARDS OF SUPER-
VISORS.

AN ACT to set off from the town of Canisteeo in the county
of Steuben the following described territory and annex
the same to the town of Cameron in said county of Steu-
ben, by the board of supervisors thereof.

Passed December 12, 1873, twenty-nine out of thirty-two of all the
members elected to such board voting in its favor.

SECTION 1. All that part of the said town of Canisteeo described and
bounded as follows, viz.:

Commencing at a point in the north line of lot No. 4, lying partly in
the said town of Canisteeo and partly in the said town of Cameron
where the division line between said towns cross. Thence west along
the north line of said lot No. 4 to the northwest corner thereof. Thence
south to the north line of lot No. 37. Thence west along the north line
of lots No. 37 and 38 to the northwest corner of lot No. 38. Thence
south on the line of lots to the northwest corner of lot No. 17. Thence
west on a line of lots to the northwest corner of lot No. 14. Thence
south on a line of lots to the township line between the towns of
Canisteeo and Jasper. Thence east along said township line to the line
of the town of Cameron. Thence north on the township line to the
place of beginning, is hereby set off from the said town of Canisteeo and
annexed to the said town of Cameron.

§ 2. This act shall take effect immediately except it shall not prohibit
the collection of the tax roll of Canisteeo this year.

BOARD OF SUPERVISORS, } ss.:
County of Steuben. }

We have compared the above with the original act passed by the
board of supervisors in said county, and do certify that the same is a
correct transcript therefrom, and of the whole of said original, and
that the map hereunto annexed is a correct copy of the one presented
to said board, with the application to divide and alter the bounds of
the towns therein mentioned.

In witness whereof we have hereunto set our hands this 12th day of
Dec., 1873.

HENRY BALDWIN,
Chairman.
AARON McCONNELL,
Cl'k of the Board.

Indorsed: "Filed January 20, 1874."

DIEDRICH WILLERS, Jr.,
Secretary of State.

AN ACT to divide the town of Greig, Lewis county, into two towns, by the board of supervisors of said county.

Passed November 26th, 1873, two-thirds of all the members elected to said board voting in favor thereof.

WHEREAS, application to this board, subscribed by at least twelve freeholders residing in the said town of Greig, for the division of the said town into two towns has been made, and this board having been furnished with the assent in writing of a majority of the tax-payers, whose names appear on the assessment roll of the said town for the year herein next preceding; and having been likewise furnished with a map and survey of the said town, showing the line of the proposed division; **AND WHEREAS**, it appears by evidence furnished to this board that a notice of such intended application, subscribed by at least twelve freeholders of the said town was duly published in three of the newspapers of said county, at least once a week for six weeks successively, immediately preceding such application, and that the like notices were posted in at least five of the most public places in said town for four weeks next preceding said application, therefore be it enacted by the said board of supervisors as follows:

AN ACT to divide the town of Greig, in the county of Lewis, and to erect therein two separate and distinct towns, by the board of supervisors thereof.

Passed November 26th, 1873; two-thirds of all the members elected to such board voting in its favor.

SECTION 1. All that part of the town of Greig described and bounded as follows, viz.: Beginning at a point in Black river, being the southwest corner of the town of Watson, and the northwest corner of the present town of Greig, running thence up said river to a point in said river opposite the northwest corner of Great Lot No. 199, of the subdivision of the present town of Greig; running thence east to the northwest corner of Great Lot No. 199; thence east on the north line thereof and continuing the same course east to Brown's tract; thence south on the west line of Brown's tract to the northwest corner of Great Lot No. 6, of the subdivision of said Brown's tract, then running east on the north line of said Lot No. 6, to the county line; thence northerly on said county line to the southeast corner of the town of Watson; thence running west on the south line of the town of Watson to the place of beginning, is hereby erected into a separate town, to be called and hereafter known and distinguished by the name of Greig. The first annual town meeting in the town hereby erected shall be held at the hotel now kept by F. M. Stockwell in said town of Greig, on the third Tuesday in February, 1874, and thereafter the same shall be held on the same day that other towns hold their annual town meetings in said county of Lewis. James D. Smith, Ambrose F. Cole and Chauncey Getman are hereby appointed to preside at the first town meeting to be held in said town of Greig, to appoint a clerk, open and keep the polls, and shall have and exercise the same powers as justices of the peace when presiding at town meetings.

SECTION 2. All the rest and remainder of the town of Greig is hereby erected into a separate town, to be hereafter known and distinguished as the town of Lyonsdale.

The first annual town meeting in the town herein erected shall be held at the school house known as the Jacobie school house, on the third Tuesday of February, 1874, and thereafter on the same day that other towns hold their annual town meetings in said county of Lewis. Nelson Burnap, Wm. Seymour and John W. Holcomb are hereby appointed to preside at the first town meeting to be held in said town of Lyonsdale, to appoint a clerk, to open and keep the polls, and have and exercise the same powers as justices of the peace when presiding at town meetings.

WILLIAM ROWELL, *Chairman.*

HAMILTON WILCOX, *Supervisors' Clerk.*

We, the undersigned, chairman and clerk of said board, do hereby certify that we have compared the foregoing with the original report and bill passed by the board of supervisors of said county at their last annual meeting, and that the same is a correct transcript therefrom, and of the whole thereof, and is a true statement of the action of said board in reference to the erection of said town of Lyonsdale, and that the said original was passed by a majority of two-thirds of all the members elected to said board; and that the map hereunto annexed is a correct copy of the one presented to said board with the application for the erection of said town of Lyonsdale.

In witness whereof, we have hereunto set our hands this 14th day of February, 1874.

WILLIAM ROWELL, *Chairman.*

HAMILTON WILCOX,
Supervisors' Clerk.

Indorsed: "Filed March 31, 1874.

DIEDRICH WILLERS, Jr.,
Secretary of State.

CONCURRENT RESOLUTIONS

OF THE

SENATE AND ASSEMBLY.

CONCURRENT RESOLUTIONS proposing amendments
to article two of the Constitution.

WHEREAS, At the last session of the Legislature, the following amendment was proposed in the Senate and Assembly, namely :

That sections one and two of article two of the constitution be amended so as to read as follows :

SECTION 1. Every male citizen of the age of twenty-one years who shall have been a citizen for ten days and an inhabitant of this State one year next preceding an election, and for the last four months a resident of the county and for the last thirty days a resident of the election district in which he may offer his vote, shall be entitled to vote at such election in the election district of which he shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to the vote of the people, provided that in time of war no elector in the actual military service of the State, or of the United States, in the army or navy thereof, shall be deprived of his vote by reason of his absence from such election district ; and the Legislature shall have power to provide the manner in which and the time and place at which such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside.

§ 2. No person who shall receive, expect or offer to receive, or pay, offer or promise to pay, contribute, offer or promise to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at an election, or who shall make any promise to influence the giving or withholding any such vote, or who shall make or become directly or indirectly interested in any bet or wager depending upon the result of any election, shall vote at such election ; and upon challenge for such cause, the person so challenged, before the officers authorized for that purpose shall receive his vote, shall swear or affirm before such officers that he has not received or offered, does not expect to receive, has not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at such election, and has not made any promise to influence the giving or withholding of any such vote, nor made or become directly or indirectly interested in any bet or wager depending upon the result of such election. The Legislature, at the session thereof next after the

adoption of this section, shall, and from time to time thereafter may, enact laws excluding from the right of suffrage all persons convicted of bribery or of any infamous crime.

AND WHEREAS, The said proposed amendment was agreed to by a majority of the Members elected to each of the two houses of the said Legislature, entered on their journals, with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the then next general election of Senators;

AND WHEREAS, Such election has taken place, and said proposed amendment was duly published for three months previous to the time of making such choice, in pursuance of the provisions of section one of article thirteen of the constitution; therefore,

Resolved (if the Senate concur), That the Assembly do agree to the proposed amendment.

STATE OF NEW YORK, }
In Assembly, January 23, 1874. }

The foregoing resolutions were duly passed.

By order of the Assembly.

JOHN O'DONNELL,
Clerk.

STATE OF NEW YORK, }
In Senate, April 10, 1874. }

The foregoing resolutions were duly passed.

By order of the Senate.

HENRY A. GLIDDEN,
Clerk.

CONCURRENT RESOLUTIONS proposing amendments to article three of the Constitution.

WHEREAS, At the last session of the Legislature, the following amendment was proposed in the Senate and Assembly, viz :

That sections one, five, six, seven and eight of article three of the constitution be amended so as to read as follows :

ARTICLE III.

SECTION 1. The legislative power of this State shall be vested in a Senate and Assembly.

§ 5. The Assembly shall consist of one hundred and twenty-eight members, elected for one year. The Members of Assembly shall be apportioned among the several counties of the State, by the Legislature, as nearly as may be, according to the number of their respective inhabitants, excluding aliens, and shall be chosen by single districts. The Assembly districts shall remain as at present organized, until after the enumeration of the inhabitants of the State, in the year eighteen hundred and seventy-five. The Legislature, at its first session after the return of every enumeration, shall apportion the Members of Assembly among the several counties of the State, in manner aforesaid, and the board of supervisors in such counties as may be entitled under such apportionment to more than one member, except the city and county of New York, and in said city and county the board of aldermen of said city shall assemble at such time as the Legislature, making such appor-

tionment, shall prescribe, and divide their respective counties into Assembly districts, each of which districts shall consist of convenient and contiguous territory, equal to the number of Members of Assembly to which such counties shall be entitled, and shall cause to be filed in the offices of the Secretary of State and the clerks of their respective counties, a description of such districts, specifying the number of each district and the population thereof, according to the last preceding enumeration as near as can be ascertained, and the apportionment and districts shall remain unaltered until another enumeration shall be made as herein provided. No town shall be divided in the formation of Assembly districts. Every county heretofore established and separately organized, except the county of Hamilton, shall always be entitled to one Member of the Assembly, and no new county shall be hereafter erected, unless its population shall entitle it to a Member. The county of Hamilton shall elect with the county of Fulton, until the population of the county of Hamilton shall, according to the ratio be entitled to a Member. But the Legislature may abolish the said county of Hamilton, and annex the territory thereof to some other county or counties. Nothing in this section shall prevent division at any time of counties and towns, and the erection of new towns and counties by the Legislature.

§ 6. Each Member of the Legislature shall receive for his services an annual salary of one thousand five hundred dollars. The members of either house shall also receive the sum of one dollar for every ten miles they shall travel, in going to and returning from their place of meeting, once in each session, on the most usual route. Senators, when the Senate alone is convened in extraordinary session, or when serving as members of the Court for the Trial of Impeachments, and such Members of the Assembly, not exceeding nine in number, as shall be appointed managers of an impeachment, shall receive an additional allowance of ten dollars a day.

§ 7. No Member of the Legislature shall receive any civil appointment within this State, or the Senate of the United States, from the Governor, the Governor and Senate, or from the Legislature, or from any city government during the time for which he shall have been elected; and all such appointments and all votes given for any such member for any such office or appointment, shall be void.

§ 8. No person shall be eligible to the Legislature who, at the time of his election, is, or within one hundred days previous thereto has been, a Member of Congress, a civil or military officer under the United States, or an officer under any city government. And if any person shall, after his election as a Member of the Legislature, be elected to Congress, or appointed to any office civil or military, under the government of the United States, or under any city government, his acceptance thereof shall vacate his seat.

And that the following additional sections be added to said article three of the constitution:

§ 17. No act shall be passed which shall provide that any existing law, or any part thereof, shall be made or deemed a part of said act, or which shall enact that any existing law, or any part thereof, shall be applicable, except by inserting it in such act.

§ 18. The Legislature shall not pass a private or local bill in any of the following cases:

Changing the names of persons.

Laying out, opening, altering, working or discontinuing roads, highways or alleys, or for draining swamps or other low lands.

Locating or changing county seats.

Providing for changes of venue in civil or criminal cases.

Incorporating villages.

Providing for election of members of boards of supervisors.

Selecting, drawing, summoning or impaneling grand or petit jurors.

Regulating the rate of interest on money.

The opening and conducting of elections or designating places of voting.

Creating, increasing or decreasing fees, percentage or allowances of public officers, during the term for which said officers are elected or appointed.

Granting to any corporation, association or individual the right to lay down railroad tracks.

Granting to any private corporation, association or individual any exclusive privilege, immunity or franchise whatever.

Providing for building bridges, and chartering companies for such purposes, except on the Hudson river below Waterford, and on the East river, or over the waters forming a part of the boundaries of the State.

The Legislature shall pass general laws providing for the cases enumerated in this section, and for all other cases which in its judgment may be provided for by general laws. But no law shall authorize the construction or operation of a street railroad except upon the condition that the consent of the owners of one-half in value the property bounded on, and the consent also of the local authorities having the control of that portion of a street or highway upon which it is proposed to construct or operate such railroad be first obtained, or in case the consent of such property owners cannot be obtained, the general term of the Supreme Court, in the district in which it is proposed to be constructed, may upon application, appoint three commissioners who shall determine, after a hearing of all parties interested, whether such railroad ought to be constructed or operated, and their determination, confirmed by the court, may be taken in lieu of the consent of the property owners.

§ 19. The Legislature shall neither audit nor allow any private claim or account against the State, but may appropriate money to pay such claims as shall have been audited and allowed according to law.

§ 20. Every law which imposes, continues or revives a tax shall distinctly state the tax and the object to which it is to be applied, and it shall not be sufficient to refer to any other law to fix such tax or object.

§ 21. On the final passage, in either house of the Legislature, of any act which imposes, continues or revives a tax, or creates a debt or charge, or makes, continues or revives any appropriation of public or trust money or property, or releases, discharges or commutes any claim or demand of the State, the question shall be taken by yeas and nays, which shall be duly entered upon the journals, and three-fifths of all the members elected to either house shall, in all such cases, be necessary to constitute a quorum therein.

§ 22. There shall be in the several counties, except in cities whose boundaries are the same as those of the county, a board of supervisors, to be composed of such members, and elected in such manner, and for such period, as is or may be, provided by law. In any such city the duties and powers of a board of supervisors may be devolved upon the common council or board of aldermen thereof.

Section seventeen of said article is hereby made section twenty-three of the proposed amendment, and is amended so as to read as follows :

§ 23. The Legislature shall, by general laws, confer upon the boards of supervisors of the several counties of the State such further powers of local legislation and administration as the Legislature may from time to time deem expedient.

§ 24. The Legislature shall not, nor shall the common council of any city nor any board of supervisors, grant any extra compensation to any public officer, servant, agent or contractor.

§ 25. Sections seventeen and eighteen of this article shall not apply to any bill, or the amendments to any bill, which shall be reported to the Legislature by Commissioners who have been appointed pursuant to law to revise the statutes.

AND WHEREAS, The said proposed amendment was agreed to by a majority of the Members elected to each of the two houses of the said Legislature, entered on their journals, with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the then next general election of Senators ;

AND WHEREAS, Such election has taken place, and said proposed amendments were duly published for three months previous to the time of making such choice, in pursuance of the provisions of section one of article thirteen of the constitution ; therefore,

Resolved (if the Assembly concur), That the Senate do agree to the proposed amendments.

STATE OF NEW YORK, }
In Senate, January 27, 1874. }

The foregoing resolution was duly passed.

By order of the Senate.

HENRY A. GLIDDEN,
Clerk.

STATE OF NEW YORK, }
In Assembly, March 19, 1874. }

The foregoing resolutions were duly passed.

By order of the Assembly.

JOHN O'DONNELL,
Clerk.

CONCURRENT RESOLUTION proposing amendments to article four of the Constitution.

WHEREAS, At the last session of the Legislature, the following amendment was proposed in Senate and Assembly, namely :

That sections one, two, four, eight and nine of article four of the constitution be amended so as to read as follows :

SECTION 1. The executive power shall be vested in a Governor, who shall hold his office for three years ; a Lieutenant-Governor shall be chosen at the same time, and for the same term. The Governor and Lieutenant-Governor elected next preceding the time when this section shall take effect shall hold office during the term for which they were elected.

§ 2. No person shall be eligible to the office of Governor or Lieutenant-Governor, except a citizen of the United States, of the age of not less than thirty years, and who shall have been five years, next preceding his election, a resident of this State.

§ 4. The Governor shall be Commander-in-Chief of the military and naval forces of the State. He shall have power to convene the Legislature (or the Senate only) on extraordinary occasions. At extraordinary sessions no subject shall be acted upon, except such as the Governor may recommend for consideration. He shall communicate by message to the Legislature at every session the condition of the State, and recommend such matters to them as he shall judge expedient. He shall transact all necessary business with the officers of government, civil and military. He shall expedite all such measures as may be resolved upon by the Legislature, and shall take care that the laws are faithfully executed. He shall receive for his services an annual salary of ten thousand dollars, and there shall be provided for his use a suitable and furnished executive residence.

§ 8. The Lieutenant-Governor shall receive for his services an annual salary of five thousand dollars, and shall not receive or be entitled to any other compensation, fee or perquisite, for any duty or service he may be required to perform by the constitution or by law.

§ 9. Every bill which shall have passed the Senate and Assembly shall, before it becomes a law, be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it with his objections to the house in which it shall have originated, which shall enter the objections at large on the journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members elected to that house shall agree to pass the bill it shall be sent together with the objections to the other house by which it shall likewise be reconsidered; and if approved by two-thirds of the members elected to that house, it shall become a law notwithstanding the objections of the Governor. In all such cases, the votes in both houses shall be determined by yeas and nays, and the names of the members voting shall be entered on the journal of each house respectively. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Legislature shall, by their adjournment, prevent its return, in which case it shall not become a law without the approval of the Governor. No bill shall become a law after the final adjournment of the Legislature, unless approved by the Governor within thirty days after such adjournment. If any bill presented to the Governor contain several items of appropriation of money, he may object to one or more of such items while approving of the other portion of the bill. In such case, he shall append to the bill, at the time of signing it, a statement of the items to which he objects; and the appropriation so objected to shall not take effect. If the Legislature be in session, he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If, on reconsideration, one or more of such items be approved by two-thirds of the members elected to each house, the same shall be part of the law, notwithstanding the objections of the Governor. All the provisions of this section, in relation to bills not approved by the Governor, shall apply in cases in which he shall withhold his approval from any item or items contained in a bill appropriating money.

AND WHEREAS, The said proposed amendment was agreed to by a majority of the members elected to each of the two houses of the said Legislature, entered on their journals, with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the then next general election of Senators;

AND WHEREAS, Such election has taken place, and said proposed amendment was duly published for three months previous to the time of making such choice in pursuance of the provisions of section one of article thirteen of the constitution ; therefore,

Resolved (if the Senate concur), That the Assembly do agree to the proposed amendment.

STATE OF NEW YORK, }
In Assembly, January 23, 1874. }

The foregoing resolution was duly passed.

By order of the Assembly.

JOHN O'DONNELL,
Clerk.

STATE OF NEW YORK, }
In Senate, April 10, 1874. }

The foregoing resolutions were duly passed.

By order of the Senate.

HENRY A. GLIDDEN,
Clerk.

CONCURRENT RESOLUTION proposing amendments to article seven of the Constitution.

WHEREAS, At the last session of the Legislature, the following amendment was proposed in the Senate and Assembly, viz :

That sections three and six of article seven be amended as follows :

Section three to be amended by adding at the end of the section the following :

No extra compensation shall be made to any contractor, but if, from any unforeseen cause, the terms of any contract shall prove to be unjust and oppressive, the Canal Board may, upon the application of the contractor, cancel such contract.

SECTION 6. The Legislature shall not sell, lease or otherwise dispose of the Erie canal, the Oswego canal, the Champlain canal or the Cayuga and Seneca canal ; but they shall remain the property of the State, and under its management forever. Hereafter the expenditures for collections, superintendence, ordinary and extraordinary repairs on the canals named in this section, shall not exceed, in any year, their gross receipts for the previous year. All funds that may be derived from any lease, sale or other disposition of any canal, shall be applied in payment of the debt for which the canal revenues are pledged.

That the following be added as sections thirteen and fourteen in place of sections thirteen and fourteen of this article which have been transferred and inserted as sections twenty-one and twenty-two of article three.

§ 13. The sinking funds provided for the payment of interest and the extinguishment of the principal of the debts of the State shall be separately kept and safely invested, and neither of them shall be appropriated or used in any manner other than for the specific purpose for which it shall have been provided.

§ 14. Neither the Legislature, Canal Board, Canal Appraisers, nor any person or persons acting in behalf of the State, shall audit, allow, or pay any claim which, as between citizens of the State, would be

barred by lapse of time. The limitation of existing claims shall begin to run from the adoption of this section; but this provision shall not be construed to revive claims already barred by existing statutes, nor to repeal any statute fixing the time within which claims shall be presented or allowed, nor shall it extend to any claims duly presented within the time allowed by law, and prosecuted with due diligence from the time of such presentment. But if the claimant shall be under legal disability, the claim may be presented within two years after such disability is removed.

AND WHEREAS, The said proposed amendment was agreed to by a majority of the members elected to each of the two houses of the said Legislature, entered on their journals, with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the then next general election of Senators;

AND WHEREAS, Such election has taken place, and said proposed amendment was duly published for three months previous to the time of making such choice, in pursuance of the provisions of section one of article thirteen of the constitution; therefore,

Resolved (if the Assembly concur), That the Senate do agree to the proposed amendment.

STATE OF NEW YORK, }
In Senate, January 27, 1874. }

The foregoing resolution was duly passed.

By order of the Senate.

HENRY A. GLIDDEN,
Clerk.

STATE OF NEW YORK, }
In Assembly, March 19, 1874. }

The foregoing resolution was duly passed.

By order of the Assembly.

JOHN O'DONNELL,
Clerk.

CONCURRENT RESOLUTION proposing amendments to article eight of the Constitution.

WHEREAS, At the last session of the Legislature, the following amendment was proposed in the Senate and Assembly, viz.:

That article eight of the constitution be amended, by amending section four thereof, so as to read as follows:

§ 4. The Legislature shall, by general law, conform all charters of savings banks, or institutions for savings, to a uniformity of powers, rights and liabilities, and all charters hereafter granted for such corporations shall be made to conform to such general law, and to such amendments as may be made thereto. And no such corporation shall have any capital stock, nor shall the trustees thereof, or any of them have any interest whatever, direct or indirect, in the profits of such corporation; and no director or trustee of any such bank or institution shall be interested in any loan or use of any money or property of such bank or institution for savings. The Legislature shall have no power to pass any act granting any special charter for banking purposes; but corporations or associations may be formed for such purposes under general laws.

And further, by adding thereto additional sections to be known as sections ten and eleven, as follows :

§ 10. Neither the credit nor the money of the State shall be given or loaned to or in aid of any association, corporation or private undertaking. This section shall not however prevent the Legislature from making such provision for the education and support of the blind, the deaf and dumb, and juvenile delinquents, as to it may seem proper. Nor shall it apply to any fund or property now held, or which may hereafter be held by the State for educational purposes.

§ 11. No county, city, town or village shall hereafter give any money or property, or loan its money or credit, to or in aid of any individual, association or corporation, or become directly or indirectly, the owner of stock in or bonds of any association or corporation, nor shall any such county, city, town or village be allowed to incur any indebtedness, except for county, city, town or village purposes. This section shall not prevent such county, city, town or village from making such provision for the aid or support of its poor as may be authorized by law.

AND WHEREAS, The said proposed amendment was agreed to by a majority of the members elected to each of the two houses of the said Legislature, entered on their journals, with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the then next general election of Senators ;

AND WHEREAS, Such election has taken place, and said proposed amendment was duly published for three months previous to the time of making such choice, in pursuance of the provisions of section one of article thirteen of the constitution ; therefore,

Resolved (if the Assembly concur), That the Senate do agree to the proposed amendment.

STATE OF NEW YORK, }
In Senate, January 27, 1874. }

The foregoing resolution was duly passed.

By order of the Senate.

HENRY A. GLIDDEN,
Clerk.

STATE OF NEW YORK, }
In Assembly, April 15, 1874. }

The foregoing resolution was duly passed.

By order of the Assembly,

JOHN O'DONNELL,
Clerk.

CONCURRENT RESOLUTION proposing amendment to article ten of the Constitution.

WHEREAS, At the late session of the Legislature, the following amendment was proposed in the Senate and Assembly, viz :

That article ten of the constitution be amended, by adding at the end thereof an additional section, as follows :

§ 9. No officer whose salary is fixed by the constitution shall receive any additional compensation. Each of the other State officers named in the constitution shall, during his continuance in office, receive a compensation, to be fixed by law, which shall not be increased or diminished during the term for which he shall have been elected or

appointed ; nor shall he receive to his use any fees or perquisites of office or other compensation.

AND WHEREAS, The said proposed amendment was agreed to by a majority of the members elected to each of the two houses of the said Legislature, entered on their journals, with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the then next general election of Senators ;

AND WHEREAS, Such election has taken place, and said proposed amendment was duly published, for three months previous to the time of making such choice, in pursuance of the provisions of section one of article thirteen of the constitution ; therefore,

Resolved (if the Assembly concur), That the Senate do agree to the proposed amendment.

STATE OF NEW YORK, }
In Senate, January 27, 1874. }

The foregoing resolution was duly passed.

By order of the Senate.

HENRY A. GLIDDEN,
Clerk.

STATE OF NEW YORK, }
In Assembly, February 4, 1874. }

The foregoing resolution was duly passed.

By order of the Assembly.

JOHN O'DONNELL,
Clerk.

CONCURRENT RESOLUTION proposing amendment to article twelve of the Constitution.

WHEREAS, At the last session of the Legislature, the following amendment was proposed in the Senate and Assembly, viz. :

That article twelve of the constitution be amended so as to read as follows :

ARTICLE XII.

SECTION 1. Members of the Legislature (and all officers, executive and judicial, except such inferior officers as shall be by law exempted), shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation : " I do solemnly swear (or affirm) that I will support the constitution of the United States, and the constitution of the State of New York, and that I will faithfully discharge the duties of the office of _____, according to the best of my ability ;" and all such officers who shall have been chosen at any election shall, before they enter on the duties of their respective offices, take and subscribe the oath or affirmation above prescribed, together with the following addition thereto, as part thereof :

" And I do further solemnly swear (or affirm) that I have not directly or indirectly paid, offered or promised to pay, contributed, or offered or promised to contribute, any money or other valuable thing as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office, and have not made any promise to influence the giving or withholding any such vote," and no other oath,

declaration or test, shall be required as a qualification for any office of public trust.

AND WHEREAS, The said proposed amendment was agreed to by a majority of the members elected to each of the two houses of the said Legislature, entered on their journals, with the yeas and nays taken thereon, and referred, to the Legislature to be chosen at the then next general election of Senators;

AND WHEREAS, Such election has taken place, and said proposed amendment was duly published for three months previous to the time of making such choice, in pursuance of the provisions of section one of article thirteen of the constitution; therefore,

Resolved (if the Assembly concur), That the Senate do agree to the proposed amendment.

STATE OF NEW YORK, }
In Senate, January 27, 1874. }

The foregoing resolution was duly passed.

By order of the Senate,
HENRY A. GLIDDEN,
Clerk.

STATE OF NEW YORK, }
In Assembly, February 4, 1874. }

The foregoing resolution was duly passed.

By order of the Assembly,
JOHN O'DONNELL,
Clerk.

CONCURRENT RESOLUTION proposing an amendment to the Constitution, to be known as articles fifteen and sixteen.

WHEREAS, At the last session of the Legislature, the following amendment was proposed in the Senate and Assembly, viz :

That the constitution of this State be amended by adding additional articles thereto, to be known as articles fifteen and sixteen, as follows :

ARTICLE XV.

SECTION 1. Any person holding office under the laws of this State, who, except in payment of his legal salary, fees or perquisites, shall receive or consent to receive, directly or indirectly, any thing of value or of personal advantage, or the promise thereof, for performing or omitting to perform any official act, or with the express or implied understanding that his official action or omission to act is to be in any degree influenced thereby, shall be deemed guilty of a felony. This section shall not affect the validity of any existing statute in relation to the offense of bribery.

§ 2. Any person who shall offer or promise a bribe to an officer, if it shall be received, shall be deemed guilty of a felony and liable to punishment, except as herein provided. No person offering a bribe shall, upon any prosecution of the officer for receiving such bribe, be privileged from testifying in relation thereto, and he shall not be liable to civil or criminal prosecution therefor, if he shall testify to the giving or

offering of such bribe. Any person who shall offer or promise a bribe, if it be rejected by the officer to whom it is tendered, shall be deemed guilty of an attempt to bribe, which is hereby declared to be a felony.

§ 3. Any person charged with receiving a bribe, or with offering or promising a bribe, shall be permitted to testify in his own behalf in any civil or criminal prosecution therefor.

§ 4. Any district attorney who shall fail faithfully to prosecute a person charged with the violation in his county of any provision of this article which may come to his knowledge, shall be removed from office by the Governor, after due notice and an opportunity of being heard in his defense. The expenses which shall be incurred by any county, in investigating and prosecuting any charge of bribery, or attempt to bribe any person holding office under the laws of this State, within such county, or of receiving bribes by any such person in said county, shall be a charge against the State, and their payment by the State shall be provided for by law.

ARTICLE XVI.

SECTION 1. All amendments to the constitution shall be in force from and including the first day of January succeeding the election at which the same were adopted, except when otherwise provided by such amendments.

AND WHEREAS, The said proposed amendment was agreed to by a majority of the members elected to each of the two houses of the said Legislature, entered on their journals with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the then next general election of Senators;

AND WHEREAS, Such election has taken place, and said proposed amendment was duly published for three months previous to the time of making such choice, in pursuance of the provisions of section one of article thirteen of the constitution; therefore,

Resolved (if the Assembly concur), That the Senate do agree to the proposed amendment.

STATE OF NEW YORK, }
In Senate, January 27, 1874. }

The foregoing resolution was duly passed.

By order of the Senate.

HENRY A. GLIDDEN,
Clerk.

STATE OF NEW YORK, }
In Assembly, February 4, 1874. }

The foregoing resolution was duly passed.

By order of the Assembly.

JOHN O'DONNELL,
Clerk.

STATE OF NEW YORK, }
 Albany, April 7, 1874. }

We certify that a joint convention of the Senate and Assembly, held in the Assembly Chamber, on the seventh day of April, one thousand eight hundred and seventy-four, pursuant to law, and a concurrent resolution of both houses, Neil Gilmour of the county of Saratoga, having received a majority of all the votes cast, was duly elected Superintendent of Public Instruction, for the term of three years, from the first Tuesday of April, one thousand eight hundred and seventy-four.

Witness our hands and the seals of the Senate and Assembly this seventh day of April, one thousand eight hundred and seventy-four.

[L. s.]

JOHN C. ROBINSON,
President of the Senate.
 HENRY A. GLIDDEN,
Clerk of the Senate.

[L. s.]

JAMES W. HUSTED,
Speaker of the Assembly.
 JOHN O'DONNELL,
Clerk of the Assembly.

CONCURRENT RESOLUTIONS relative to a message from the Governor on the inflation of the currency of the United States.

WHEREAS, His Excellency the Governor of the State of New York, has this day transmitted to both houses of the Legislature, a special message relating to the inflation of the currency by the general government, calling attention to the disastrous effect of such action upon the welfare and prosperity of the country, therefore be it

Resolved (if the Assembly concur), that we fully affirm and heartily endorse the sentiments expressed in such message, and in view thereof, and of the act of Congress, approved March, eighteen hundred and sixty-nine, which affirmed that the faith of the United States was solemnly pledged to the payment in coin, of all the obligations of the United States not bearing interest (known as United States notes), and that "the United States also solemnly pledged its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin," and as this pledge has been repeatedly given; it is the judgment of the Legislature of the State of New York, that it is the duty of the administration of the general government at Washington and of Congress to stay the pernicious and ruinous policy of increasing the volume of irredeemable paper currency, and be it further

Resolved (if the Assembly concur), that our Senators and Representatives in Congress be and they are hereby requested, to resist by all efforts in their power, any inflation of the currency, through the further issue of circulating notes by the government or by national banks, and that they be and they are also hereby requested respectively to promote by all proper measures an early return to specie payment; and be it further

Resolved (if the Assembly concur), that his Excellency the Governor, be requested to transmit these resolutions, with a copy of his message appended, to the President of the United States, and to each of our Senators and Representatives in Congress.

STATE OF NEW YORK, }
In Senate, April 7, 1874. }

The foregoing resolutions were duly passed.

By order.

HENRY A. GLIDDEN,
Clerk.

STATE OF NEW YORK, }
In Assembly, April 7, 1874. }

The foregoing resolutions were duly passed.

By order.

JOHN O'CONNELL.
Clerk.

CONCURRENT RESOLUTION in relation to the completion of the work of removing the obstructions at Hell Gate.

WHEREAS, The commercial interests of the whole country, and especially of the city and State of New York, demand the early completion of the work of removing the obstructions at Hell Gate; and

WHEREAS, The work has now been suspended for four months for the want of funds for its prosecution, and the engineer in charge, General Newton, estimates that six hundred thousand dollars will be required for its completion; therefore

Resolved (if the Senate concur), That our Senators and Representatives in Congress be requested to use their influence for an early appropriation of the amount so required.

STATE OF NEW YORK, }
In Assembly, April 11, 1874. }

The foregoing resolution was duly passed.

By order.

JOHN O'DONNELL,
Clerk.

STATE OF NEW YORK, }
In Senate, April 14, 1874. }

The foregoing resolution was duly passed.

By order.

HENRY A. GLIDDEN,
Clerk.

STATE OF NEW YORK,
In Senate, Albany, April 22, 1874. }

Resolved (if the Assembly concur), That the Legislature do concur in the recommendation of the Canal Board, and assent to the adoption of the Toll sheet of 1873, by said Board, for the year 1874.

By order.

H. A. GLIDDEN,
Clerk.

IN ASSEMBLY,
Apl. 24, 1874. }

Concurred in without amendment.

By order.

J. O'DONNELL,
Clerk.

CONCURRENT RESOLUTION relative to the dam on the Owasco river, in the city of Auburn.

WHEREAS, grave doubts exist as to the height at which the State should maintain the dam on the Owasco river, in the city of Auburn, known as the Prison dam, for the purpose of supplying water to the said prison; and

WHEREAS, much litigation has heretofore arisen, and suits are now pending and undetermined for damages alleged to have been sustained by reason of the maintenance of flush boards upon said dam; and which flush boards are alleged to have been so maintained under the directions of the officers of the State in charge of said prison; it is, therefore,

Resolved (if the Assembly concur), That the Governor be, and hereby is authorized to appoint three commissioners, one of which commissioners shall be the State Engineer and Surveyor, whose duty it shall be with all convenient diligence to examine and determine

1st. The height to which such dam, with or without flush boards, may be lawfully maintained by the officers of the State, for the purpose of supplying water to the Auburn prison.

2nd. Whether the maintenance of such dam at the height at which the same may now be legally maintained, will supply sufficient water and water power for the necessary uses of the State in connection with the Auburn prison.

3rd. If the maintenance of such dam, at the height to which the same may now be legally maintained, is insufficient for the supply of the water and water power necessary for the State, in connection with the Auburn prison, that then and in that case said commissioners shall determine the height at which such dam shall hereafter be maintained, and the permanent damages caused thereby shall be fixed and determined by commissioners to be hereafter appointed for that purpose in the manner provided by the Constitution and laws of the State.

4th. That upon a written stipulation being filed with said commissioners by the parties respectively to the suits now pending and undetermined for temporary damages, alleged to have been sustained by reason of the unlawful maintenance of flush boards upon said dam, by or under the direction of the officers of the State in connection with

said Auburn Prison, to submit all matters of difference in said actions to the final award and arbitration of said commissioners; it shall be the duty of said commissioners to hear, arbitrate and determine said actions, and to make such award and determination thereof as they may deem equitable and just; and for that purpose, the said commissioners are authorized to examine said parties and each of them, and such witnesses as may be presented by said parties or either of them under oath; and to enforce the attendance of said parties and each of them, and of witnesses by subpoena and attachment in the same manner as such attendance may be enforced in the Supreme Court. And either of said commissioners is hereby authorized to administer any oath or affirmation requisite upon such hearing. All of said commissioners shall meet together upon all proceedings under this act,* but a majority of said commissioners may determine any question which may arise upon any proceeding under the same, and may make a final award and determination of all matters submitted to them.

STATE OF NEW YORK, }
In Senate, April 21, 1874. }

The foregoing resolution was duly passed.

By order of the Senate.

HENRY A. GLIDDEN,
Clerk.

STATE OF NEW YORK, }
In Assembly, April 29, 1874. }

The foregoing resolution was duly passed.

By order of the Assembly.

JOHN O'DONNELL,
Clerk.

CONCURRENT RESOLUTION authorizing the Governor to appoint commissioners to represent the State at the Centennial Exhibition.

WHEREAS, His Excellency the Governor recommends in his annual message the appointment of a board of commissioners to represent this State, and its industrial and other interests, in the Centennial Exhibition, soon to be held in the city of Philadelphia; and

WHEREAS, The managers of said exhibition advise that each State shall select a commission, not exceeding five in number, for the purpose of organizing their respective States and securing a suitable representation of the same in the exhibition; therefore be it

Resolved (if the Senate concur), That the Governor be and he is hereby authorized to appoint five citizens to be commissioners, who shall represent the State of New York in all matters connected with or pertaining to the Centennial Exhibition. The said commissioners to receive no compensation for their services or expenses. In addition to the commissioners herein provided, the commissioners and alternates appointed by the President of the United States for the State at large shall be included in the commission herewith created.

* So in original.

STATE OF NEW YORK, }
In Assembly, February 18, 1874. }

The foregoing resolution was duly passed.

By order.

JOHN O'DONNELL,
Clerk.

STATE OF NEW YORK, }
In Senate, April 30, 1874. }

The foregoing resolution was duly passed.

By order.

HENRY A. GLIDDEN,
Clerk.

CONCURRENT RESOLUTION directing the board of commissioners of the department of docks of the city of New York to cause to be made the necessary surveys, soundings, and other examination of the water front of that part of Westchester county recently annexed to said city.

Resolved (if the Senate concur), That the board of commissioners of the department of docks of the city of New York, are hereby directed to cause to be made the necessary surveys, soundings and other examination of the water front of all that part of Westchester county recently annexed to said city, from the easterly terminus of said water front at the mouth of the Bronx river, as already determined, and thence following the East river bank and the Harlem river, Spuyten Deuvel creek and Hudson river to the northern terminus of said water front on the Hudson river, as already determined, and to ascertain the capacities and requirements of said water front for adaptation to commercial uses, in like manner as the said board has already caused to be surveyed and examined the previously recorded water front of said city.

STATE OF NEW YORK, }
In Assembly, April 17, 1874. }

The foregoing resolution was duly passed.

By order.

JOHN O'DONNELL,
Clerk.

STATE OF NEW YORK, }
In Senate, April 30, 1874. }

The foregoing resolution was duly passed.

By order.

HENRY A. GLIDDEN,
Clerk.

STATE OF NEW YORK, }
Senate Chamber, }
Albany, April 30, 1874. }

Resolved (if the Assembly concur), That 3000 copies of the bill codifying and amending the laws relating to the commitment and care of lunatics and organization of asylums be printed; and copies be distributed by the Secretary of State to the officers and persons designated to carry out the provisions of the law.

By order.

H. A. GLIDDEN,
Clerk.

In Assem., April 30, 1874.

Concurred in.

By order.

J. O'DONNELL,
Clerk.

NAMES CHANGED

UNDER AND PURSUANT TO CHAPTER EIGHTY OF THE
LAWS OF EIGHTEEN HUNDRED AND SIXTY, AMENDA-
TORY OF CHAPTER FOUR HUNDRED AND SIXTY-FOUR,
LAWS OF EIGHTEEN HUNDRED AND FORTY-SEVEN.

STATE OF NEW YORK, }
CORTLAND COUNTY CLERK'S OFFICE, } ss.

I, Frank Place, clerk of said county, pursuant to the statutes therein-
for made and provided, do hereby return and certify that the following
change of name was duly made by order of the county court of Cort-
land county, under and by virtue of the statutes aforesaid, to wit :

Elizabeth Garner, to Kitty Elizabeth Simms.

Order dated October 7, 1872.

To take effect from and after November 7, 1872.

In testimony whereof I have hereunto set my hand and affixed the
seal of said county of Cortland, at Cortland Village, this 30th day of
August, 1873.

[L. s.]

FRANK PLACE,
Clerk.

Indorsed : " Filed September 2, 1873."

STATE OF NEW YORK, }
COLUMBIA COUNTY CLERK'S OFFICE, } ss.

I, Edwin C. Terry, county clerk of said county of Columbia, do
hereby certify and return that the following changes of names of per-
sons were made by order of the county court of said county, under and
by virtue of the act in such case made and provided :

The name of De Witt C. Van Valkenburgh Lyon, changed to De Witt
C. Van Valkenburgh.

The name Helen V. N. Humphrey, changed to Helen Van Ness.

The name of Herbert Humphrey, changed to Herbert Van Ness.

The name of Lester Humphrey, changed to Lester Van Ness.

In testimony whereof I have hereunto set my hand and affixed the
seal of said county the 6th day of December, A. D. 1873.

[L. s.]

EDWIN C. TERRY,
County Clerk.

Indorsed : " Filed December 8, 1873."

CLERK'S OFFICE, COURT OF COMMON PLEAS FOR }
THE CITY AND COUNTY OF NEW YORK. }

I, Nathaniel Jarvis, Jr., clerk of the Court of Common Pleas for the City and County of New York, do report and certify that the names of the following persons were changed by this court during the year 1873, pursuant to the act of the Legislature of the State of New York, passed December fourteenth, eighteen hundred and forty-seven, and of the act amendatory thereof, passed March 17th, 1860, viz.:

C. H. Achilles Weidner to Achilles Rose.

Order entered January 25th, 1873.

To take effect March 1st, 1873.

Michael James Lowe to James Michael Lowe.

Order entered January 27th, 1873.

To take effect February 26th, 1873.

Jacob Hassendeuble to Jacob Hasse.

Order entered February 1st, 1873.

To take effect February 26th, 1873.

Otto Hassendeuble to Otto Hasse.

Order entered February 1st, 1873.

To take effect February 26th, 1873.

Frederick Hassendeuble to Frederick Hasse.

Order entered February 1st, 1873.

To take effect February 26th, 1873.

Carrie Thompson to Carrie Foster.

Order entered February 7th, 1873.

To take effect March 15th, 1873.

John Smith Magonagle to John Smith Magonagle Hill.

Order entered March 31st, 1873.

To take effect April 4th, 1873.

Charles H. Weed to Charles Reed.

Order entered April 7th, 1873.

To take effect May 10th, 1873.

Anna J. Weed to Anna J. Reed.

Order entered April 7th, 1873.

To take effect May 10th, 1873.

Maurice G. Weed to Maurice G. Reed.

Order entered April 7th, 1873.

To take effect May 10th, 1873.

Marie G. Weed to Marie G. Reed.

Order entered April 7th, 1873.

To take effect May 10th, 1873.

Sextus L. Weed to Sextus L. Reed.

Order entered April 7th, 1873.

To take effect May 10th, 1873.

Edward H. Coburn to Edward H. Cockburn.

Order entered May 27th, 1873.

To take effect June 1st, 1873.

Martha A. Coburn to Martha A. Cockburn.

Order entered May 27th, 1873.

To take effect June 1st, 1873.

Martha A. Coburn, Jr., to Martha A. Cockburn, Jr.

Order entered May 27th, 1873.

To take effect June 1st, 1873.

Edward H. Coburn, Jr., to Edward H. Cockburn, Jr.

Order entered May 27th, 1873.

To take effect June 1st, 1873.

Emma J. Coburn to Emma J. Cockburn.

Order entered May 27th, 1873.

To take effect June 1st, 1873.

Robert A. Coburn to Robert A. Cockburn.

Order entered May 27th, 1873.

To take effect June 1st, 1873.

Ada Elizabeth Coburn to Ada Elizabeth Cockburn.

Order entered May 27th, 1873.

To take effect June 1st, 1873.

Amy F. Coburn to Amy F. Cockburn.

Order entered May 27th, 1873.

To take effect June 1st, 1873.

Walter J. Coburn to Walter J. Cockburn.

Order entered May 27th, 1873.

To take effect June 1st, 1873.

Annie Irene Callahan to Annie Irene Temple.

Order entered July 1st, 1873.

To take effect August 1st, 1873.

Adolph Schitter to Adolph Schiller.

Order entered August 22nd, 1873.

To take effect September 21st, 1873.

Katrina Schitter to Katrina Schiller.

Order entered August 22nd, 1873.

To take effect September 21st, 1873.

Louis Schitter to Louis Schiller.

Order entered August 22nd, 1873.

To take effect September 21st, 1873.

Charles Adolph Rindskopf to Charles Adolph Risdorf.

Order entered November 14th, 1873.

To take effect December 25th, 1873.

Adolph Morris Gotosky to Adolph Morris Morris.

Order entered November 14th, 1873.

To take effect December 15th, 1873.

David Wilkowski to David Witmark.

Order entered November 14th, 1873.

To take effect December 15th, 1873.

In attestation whereof I have hereunto subscribed my name and affixed the seal of the said Court of Common Pleas the 31st day of December, 1873.

[L. s.]

NATH'L JARVIS, JR.,
Clerk.

Indorsed: "Filed January 2, 1874."

DIEDRICH WILLERS, JR.,
Secretary of State.

STATE OF NEW YORK, } ss. :
County of Kings, }

Pursuant to the statute in such case made and provided, I, George G. Herman, clerk of the county of Kings, do hereby certify that the following changes of names were made by the courts of this county, during the year one thousand eight hundred and seventy-three, viz.:

The Rector, Church Wardens and Vestrymen of Zion Church in the City of Brooklyn, County of Kings, and State of New York, to The Rector, Church Wardens and Vestrymen of Saint Barnabus Church in the City of Brooklyn, County of Kings, and State of New York.

To take effect from and after May 24, 1873.

Elsie Ann Morris to Elsie Ann Murray.

To take effect from and after June 15, 1873.

Rector, Church Wardens and Vestrymen of Guion Church in the City of Brooklyn, to Rector, Church Wardens and Vestrymen of St. George Church in the City of Brooklyn.

To take effect from and after October 8, 1873.

Lars Anders Mortensen to Lars Anders Morton.

To take effect from and after November 25, 1873.

Charlotte Sidney Hickok to Charlotte Sidney Thomas.

To take effect from and after February 1, 1874.

GEORGE G. HERMAN,
Clerk.

In testimony whereof, I have hereunto set my hand and affixed the seal of said county, this thirty-first day of December, one thousand eight hundred and seventy three.

[L. s.]

GEORGE G. HERMAN,
Clerk.

Indorsed: "Filed January 7, 1874."

DIEDRICH WILLERS, Jr.,
Secretary of State.

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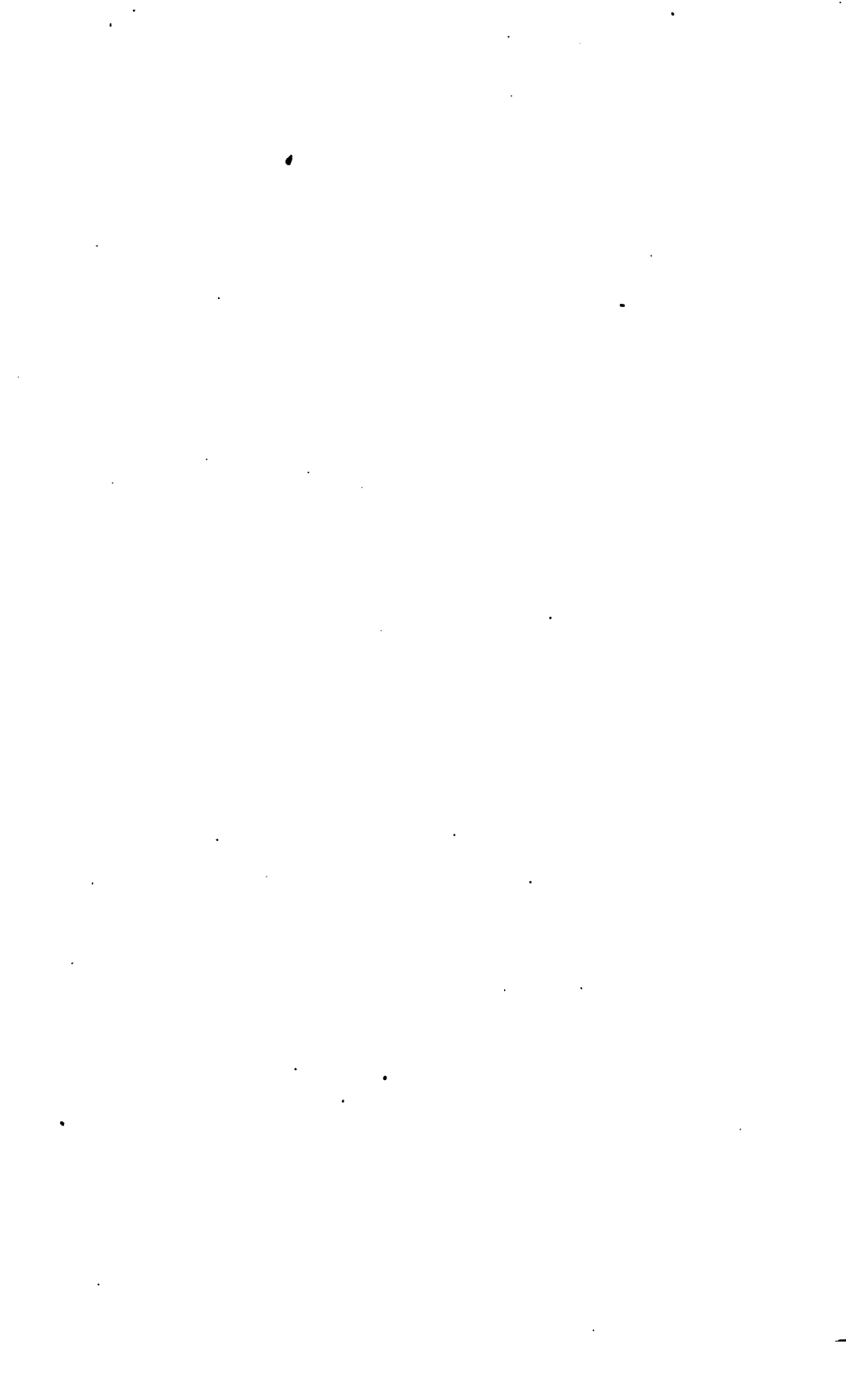
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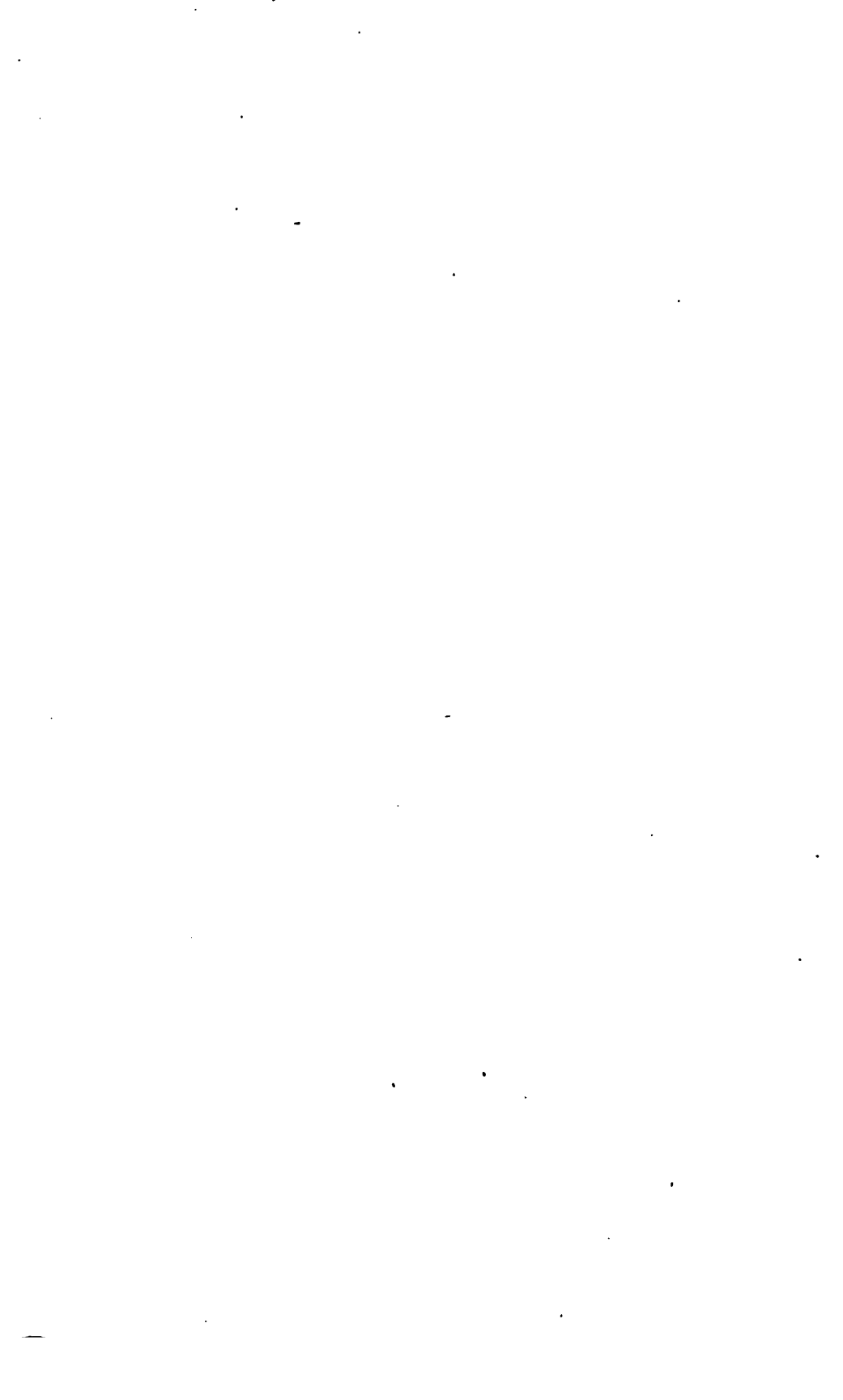
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